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CRP. PD. Nos.2644 & 2670 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:07.06.2025

Pronounced on: 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. PD. Nos.2644 & 2670 of 2025
and CMP. Nos. 14961 & 15087 of 2025**

Tmt.Mangammal (Died)
Tmt.Bagyalakshmi (Died)
1.M.Shanmugam
2.Tmt.Kalavathy
3.Murugesan
4.Karthikeyan
5.Jagadish
6.Vasanthakumar
7.Tmt.Sudha

Petitioners in both CRPs

Vs

1.S.Velusamy
2.Tmt.Chettiammal
3.Devaraj
4.Sivaraj
5.Mohanraj
6.The District Registrar,
State Bank Road,
Coimbatore – 641 018.
7.Tmt.Rohini

Respondents in both CRPs

COMMON PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 27.06.2024 passed in I.A. Nos.2 of 2021 & 1 of 2021 in O.S.



No.495 of 2006 on the file of III Additional District Munsif Court of Coimbatore.

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For Petitioners : Mr. C.Murugesan in both CRPs
For Respondents : Mr.Sachin Vinayak for R1
in both CRPs
Mr.N.Muthuvel,
Government Advocate for R6
in both CRPs

COMMON ORDER

The revisions are taken up for final hearing at the stage of admission, with the consent of the learned counsel for the petitioners as well the first respondent/caveator.

2. I have heard Mr.C.Murugesan, learned counsel for the Petitioners in both the revisions, Mr. Sachin Vinayak, learned counsel for the 1st respondent and Mr. N. Muthuvel, learned Government Advocate for the 6th respondent in both the revisions.

3. The revisions have been preferred, challenging the orders in I.A.No.1 & 2 of 2021 in O.S.No. 495 of 2006.

4. The brief facts are as follows:



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The suit in O.S.No. 495 of 2006 has been filed to declare the sale deeds dated 18.05.1979 and 25.07.1979 as null and void, unenforceable and forged and for a permanent injunction to restrain the defendants 1 to 6 from disturbing or interfering with the plaintiffs' peaceful possession and enjoyment of the suit property. Pending the said suit, the plaintiffs have filed Interlocutory Applications in I.A.No.1 of 2021 for sending the documents mentioned in the petition to the experts for comparison under Order 26 Rule 10A of the Code of Civil Procedure, 1908 (in short 'CPC'), viz., registered sale deed dated 20.02.1965 to compare the signature and thumb impression of Murugesan in the said document with that of the alleged forged document dated 18.05.1979 in Doc.No.1878 of 1979 to compare the signature of Murugesan and Krishnan. I.A.No.2 of 2021 has been filed under Order XVI Rule 6 of CPC to summon the first respondent and pass an order to produce the document, namely, the document dated 18.05.1979.

5. It is the contention of the learned counsel for the petitioner that the father of the plaintiffs, Murugesan, who was shown as a party to the said forged document dated 18.05.1979, was sick and he had underwent surgery for correcting his eyesight, but however surgery failed and said



Murugesan became blind. The sale deed dated 18.05.1979 has been brought about taking advantage of the blindness of the father of the plaintiffs and thereby the sale deed has been brought about in favour of the wife of Sukri Konar, namely Rangammal.

6. According to the plaintiffs, the witnesses are also false witnesses and by impersonation, Doc.No.2535 of 1979 has been brought about. It is also contended that one of the witnesses by name Krishnan is none else than the brother of said Murugesan and the said Krishnan has denied his signature as witness and he has not even gone to Sub-Registrar's office, leave alone signed the document as one of the witnesses.

7. The learned counsel for the petitioners therefore, contends that only under such circumstances, suit being one for declaration and substantial rights of the parties are at stake, it is just and necessary for the documents to be summoned and sent for comparison to establish the claims of the petitioners that the sale deed dated 18.05.1979 and 25.07.1979 are null and void.

8. Per contra, Mr.Sachin Vinayak, learned counsel for the 1st



respondent states that the claims made in the affidavit are self-serving and without merit. According to the learned counsel, the father of the plaintiffs' Murugesan was never sick and his eyesight was also good and absolutely not a scrap of evidence has been produced at the time of trial in this regard. He would also refer to the cross-examination of PW1 who has admitted that his father was of good health till 1993. He would also state that, PW1 has also admitted the signature of his father and if really the valuable property has been knocked off by impersonation of fraud and forgery as alleged by the revision petitioners, there would have at least been a police complaint at the earliest instance. He would further state that neither Murugesan nor his brother Krishnan have questioned their signatures and thumb impressions during their lifetime and therefore, it is not open to the plaintiffs to contend that their signatures are forged.

9. The Trial Court, finding that PW1 had admitted the signatures of Murugesan and only in order to fill up the lacuna and to protract the proceedings, the Applications have been filed, proceeded to dismiss both the Applications. The Trial Judge has also referred to the cross-examination of PW1 on 02.09.2021 and 23.08.2021 where PW1 has categorically admitted that his father Murugesan was of good health up to



1993. Further admission of PW1 is that, only when his father was of good health, the document came to be executed in Exhibit A1 in the year 1979.

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10. In the light of the categorical admissions of PW1, I see no necessity for the Applications taken out by the plaintiffs. The Trial Court has rightly considered the admissions of PW1 and found that there is no necessity to allow the Application under Order XVI Rule 6 CPC as well as the Application under Order XXVI Rule 10A CPC. The Trial Court has also found that the Applications have been filed belatedly, the suit having been filed in the year 2006 and that too, to declare sale deeds dated 18.05.1979 and 25.07.1979 as null and void.

11. The learned counsel for the petitioner has placed reliance on the decision of this Court in *Samayamuthu and another v. State of Tamil Nadu and others represented by Sivagangai District Collector and others* in *CRP.(MD).No.2302 of 2022 dated 10.04.2023*, where this Court held that procedure being a hand maid of justice and not mistress of law, the Trial Court in order to come to correct conclusion of facts based on records available before it, is entitled to summon documents from various authorities.



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12. He would also place reliance on *M/s.Kapil Corepacks Pvt.Ltd v. Harbans Lal (D) thr. Lrs* reported in *AIR 2010 SC 2809*, where the Hon'ble Supreme Court has dealt with examination under Order X Rule 2 CPC. I do not find this decision being relevant to the facts of the present case.

13. The other decision that has been relied on by the learned counsel for the petitioner is that of the Andhra Pradesh High Court at Amaravathi in *CRP No. 1734 of 2018* dated *30.08.2019*, in the case of *A. Lalithajayasri v. A.K.R. Prasad, died and Lrs*, where the Andhra Pradesh High Court held that the Court has the authority to summon any person to produce a document and a party cannot be restrained to call for documents, if it feels that the documents are relevant and necessary to substantiate its case.

14. In fact, in the facts of the present case, the Trial Court has rightly found that the purposes for which the Applications have been filed is itself an exercise in futility, in view of the categorical admissions of PW1 in cross-examination. Therefore, even this decision does not come



to the aid of the revision petitioners.

15. I do not find any merit in the revisions and the petitioners have not made out any grounds requiring interference of the well-reasoned orders of the Trial Court in I.A.No.01 of 2021 & I.A.No.02 of 2021 requiring interference under Article 227 of the Constitution of India.

16. Accordingly, these Civil Revision Petitions are dismissed. Considering the suit is of the year 2006, the learned III Additional District Munsif, Coimbatore, is directed to expedite the trial and after hearing the learned counsel on either side and dispose of the suit on merits and in accordance with law, within a period of three (3) months from the date of receipt of the copy of the order. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

14.07.2025

rkp

Index : Yes / No

Internet : Yes / No

To: The III Additional District Munsif, Coimbatore.

P.B.BALAJI, J.,

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Pre-delivery order in
CRP. PD. Nos.2644 & 2670 of 2025
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