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C.R.P.Nos.4321, 4325, 4327 and 4329 of 2025 and
C.M.P.No.22171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.Nos.4321, 4325, 4327 and 4329 of 2025

and

C.M.P.No.22171 of 2025

1.Valanjiya Palanisamy

2. Chinnuppa Devaraj

... Petitioners / Petitioners/Defendants 1&2
in all cases

..Vs..

1.Bavani

2.Megala

... Respondents/Respondents/Plaintiffs
in all cases

Prayer in C.R.P.No.4321 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 16.04.2025 made in I.A.No.10 of 2023 in O.S.No.539 of 2020 on the file of the learned District Munsif Court, Sendamangalam.

Prayer in C.R.P.No.4325 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 16.04.2025 made in I.A.No.7 of 2023 in O.S.No.539 of 2020 on the file of the learned District Munsif Court, Sendamangalam.



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Prayer in C.R.P.No.4327 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 16.04.2025 made in I.A.No.8 of 2023 in O.S.No.539 of 2020 on the file of the learned District Munsif Court, Sendamangalam.

Prayer in C.R.P.No.4329 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 16.04.2025 made in I.A.No.9 of 2023 in O.S.No.539 of 2020 on the file of the learned District Munsif Court, Sendamangalam.

For Petitioners : Mr.N.Manoharan in all cases

For Respondents : Mr.N.Subramaniyan in all cases

COMMON ORDER

The unsuccessful defendants 1 and 2 have filed these petitions.

2. The suit in O.S.No.539 of 2020 was filed by one Bavani and one Megala seeking a declaration that the sale deed executed by the second defendant/Chinnuppa Devaraj in favour of the first defendant/Valanjiya Palanisamy on 06.05.2015 be declared null and void, and for a permanent injunction against the D1 & D2. The District Collector, Namakkal is the 3rd defendant; The Revenue Divisional Officer, Namakkal is the 4th defendant;



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The Tahsildar, Kottamalai is the 5th defendant and the Village

Administrative Officer is the 6th defendant in the suit. The defendants

1 and 2 have filed the written statement. Necessary issues were framed and trial commenced. Second plaintiff/Megala herself examined as P.W.1.

At this stage, the plaintiffs filed an application in I.A.No.3 of 2019 seeking comparison of the thumb impression found in the disputed sale deed with (i)

the thumb impression obtained from the defendants before the Court below,

and (ii) the thumb impression of the defendants available in the records of the

Sub-Registrar, Sendamangalam, at the time of registration of the disputed

sale deed, by sending the documents to a fingerprint expert for analysis. The

Court below allowed the application on 27.07.2023. The thumb impressions

were sent to the Fingerprint Bureau, Chennai. After obtaining the expert

report, the plaintiffs filed a recall petition before the Court below to recall

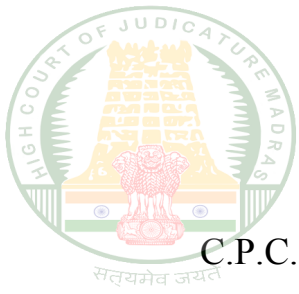
P.W.1. Accordingly, P.W.1 was recalled and the expert report was marked as

Ex.C3. Thereafter, the defendants filed four applications (i) I.A.No.7 of 2023

under Section 151 C.P.C. seeking to scrap the fingerprint expert report, (ii)

I.A.No.8 of 2023 under Section 151 C.P.C. seeking to scrap the fingerprint

expert report marked through P.W.1, (iii) I.A.No.9 of 2023 under Section 151



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C.P.C. seeking to reopen I.A.No.3 of 2019 (closed on 21.07.2023), and (iv)

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I.A.No.10 of 2023 under Section 151 C.P.C. seeking re-issue of the Commission in I.A.No.3 of 2019 to resend the thumb impression to the fingerprint expert, Chennai, for a fresh report. Upon considering the arguments on either side, the Court below, by separate order dated 16.04.2025, dismissed all the applications. Aggrieved thereby, defendants 1 and 2 have preferred these petitions.

3. The learned counsel for the revision petitioners submitted that after filing the written statement, the plaintiffs filed I.A.No.3 of 2019 to send the LTI found in the disputed sale deed for comparison. It was allowed by directing the Forensic Department to compare the LTI found in the document with LTI taken in the Court, instead of comparing it with the LTI found in the Sub-Registrar's Office, Sendamangalam. The sale deed dated 29.11.1967 in Doc.No.2098/1967 relied on by the plaintiffs is a forged document, whereas the sale deed dated 06.05.2015 in Doc.No.1308/2015 executed by the second defendant in favour of the first defendant is a valid one. To establish forgery, an expert opinion is essential, as oral evidence



alone would not suffice. The Court below ought to have ordered to compare the LTI found in the disputed sale deed dated 06.05.2015 with that of the LTI Book maintained in the SRO, Sendamangalam, instead of comparing it with the LTI obtained in Court.

4. The learned counsel further contended that the fingerprint report dated 12.05.2023 (Ex.C3) would show that the forensic lab had compared the LTI found in the disputed sale deed with the LTI taken in the Court. The expert was not given chance to compare the LTI found in the Registrar maintained by the SRO. The Court below erred in relying on the expert report (Ex.C3) as the expert never stated that he had verified the LTI register for comparison with the LTI found in the disputed document. Hence, the findings of the Court below are perverse and contrary to the records. It is further submitted that when expert opinion is obtained on the basis of irrelevant documents, the Court ought to have given a chance to the petitioners to resend the disputed and admitted documents for comparison afresh. The petitioners would not gain anything by causing delay.

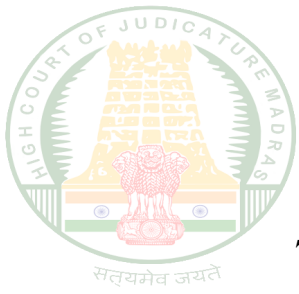


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5. The learned counsel further argued that the suit was filed on 08.02.2016, while I.A.No.3 of 2019 seeking expert opinion was filed after three years and the order was passed only on 30.09.2022. The expert opinion is crucial in deciding the validity and genuineness of the sale deed dated 29.11.1967. In such circumstances, the parties cannot be allowed to take advantage of the error in the order passed by issuing the commission warrant. Denial of such an opportunity would amount to denial of fair hearing. Therefore, the petitioners must be given a chance to clear the anomalies. The petitioners are ready to bear the expenses for re-issuing the commission warrant. Hence, delay cannot be allowed to defeat justice.

6. To strengthen his contention, the learned counsel for the revision petitioners relied upon the judgment of the Hon'ble Supreme Court reported in 2015 SCC OnLine Hyd 467 [Bande Siva Shankara Srinivasa Prasad vs. Ravi Surya Prakash Babu and others].

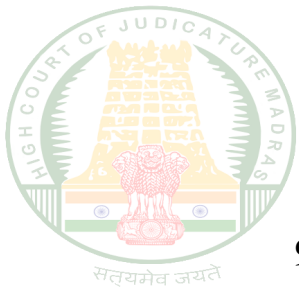


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7. Per contra, the learned counsel for the respondents submitted that the defendants neither objected nor filed a counter to I.A.No.6 of 2023, while the plaintiffs marked the expert's report. Therefore, the defendants gave implied consent to the admission of the expert report. Once the expert report is marked, its admissibility cannot be questioned based on the mode of marking/proof. The defendants also did not challenge the order passed in I.A.No.6 of 2023 permitting marking of documents through P.W.1, but are only challenging the consequences thereof. Hence, C.R.P.No.4321 of 2025 is liable to be dismissed.

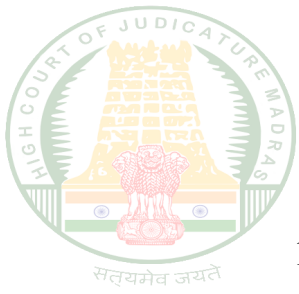
8. The learned counsel further submitted that the contention regarding non-comparison of the LTI of the second defendant with the SRO register is meritless. For disproving the second defendant's plea that he did not sign the 1967 sale deed, the relevant comparison is between the specimen LTI of the second defendant and the LTI affixed in the 1967 sale deed, which has already been done. Thus, the LTI in the 1967 sale deed is proved to be that of the second defendant and is genuine.



9. The learned counsel further submitted that the expert report established that “Q2” (LTI in the register) and “Q1” (LTI in the sale deed) are identical. Since “Q1” and “Q2” are identical, comparison of either with the specimen “S” is sufficient. The expert compared “Q1” with “S” and gave a valid report. Therefore, the contention of the petitioners that the expert report is invalid for want of comparison of “Q2” with “S” is liable to be rejected.

10. The learned counsel also submitted that the issue of comparison arises only in respect of disputed signatures, not in thumb impressions.

11. The learned counsel further submitted that the Court below sent three LTIs titled “Q1” and “S” for verification to ascertain whether the second defendant had affixed the LTI in the 1967 sale deed. P.W.1 had no role in obtaining the expert report, which was independently obtained by the Court and submitted in a sealed cover. A certified copy was given to the defendants, and P.W.1 was recalled only for marking. The Court below rightly marked it as Ex.C3 as Court evidence.



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12. Further, though Rule 10(2) under Order 26 C.P.C. enables the defendants to seek permission to examine the expert personally, they did not invoke the said provision but instead filed these petitions. Hence, these petitions are nothing but multiplicity of proceedings and are liable to be dismissed.

13. The main contention of the revision petitioner is that the original specimen left thumb impression sheet taken before the Court below from the second defendant was not compared with the original thumb impression register pertaining to the Sub-Registrar's office, Sendamangalam, and the expert had compared only the thumb impression in Ex.A1 document with the original specimen left thumb impression sheet taken before the Court from the second defendant.

14. The Court below, upon perusal of Ex.C3 fingerprint expert's report(Ex.C3), found the following points:

i) The left thumb impression of the second defendant found in the Original registered Sale deed dated 29.11.1967 in Doc.No.2098/1967 of SRO, Sendamangalam was marked as "Q1".



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ii) The left thumb impression of the second defendant found in the original thumb impression registers in Volume No.213 (from 1504/12.09.1967 to 2262/21.12.1967), Document No.2098/1967, page no.94 dated 29.11.1967 of SRO, Sendamangalam was marked as "Q2".

iii) The specimen left thumb impression taken from the second defendant before this Court in front of both the counsels on 27.06.2022 was marked "S".

iv) The expert clearly gave an opinion that Q1 and Q2 are interse identical and they are also identical with S. Further, reason for the above opinion was that the ridge characteristics that are found in the Q1 and Q2 are found in their same relative position in S.

v) Furthermore, for the demonstration purpose in the Court, out of the photo enlargements marked Q1, Q2, and S, Q1 and S were got selected, affixed in white sheets and annexed with the report. Gave a report that 'all the ridge characters available in Q1 are found same as in S.

vi) Conclusion: Hence, Q1, Q2 and S are IDENTICAL with one another as they are made by one and the same finger of the same person (i.e) the left thumb impression said to be of Chinnupaa Devaraj (2nd petitioner/2nd defendant)

15. The Court below found, as seen from Ex.A3 report, shows that the fingerprint expert had compared all the three documents i.e., "Q1", "Q2" & "S", and based on the final analysis, concluded that Q1 & Q2 are identical. It is well settled that an expert opinion is not conclusive proof of evidence; it only assists the Court in arriving at a conclusion. The cross examination of



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P.W.1 is still pending in the main suit. Hence, there are no grounds to interfere with the order of the Court below.

16. However, the revision petitioners/defendants 1 and 2 are at liberty to summon the concerned expert/fingerprint official, who submitted the Ex.C3 report, as a witness, if required, in the manner known to law.

17. In view of the above observations, **these Civil Revision Petitions are dismissed.** No costs. Consequently, connected C.M.P is closed.

23.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The District Munsif Court, Sendamangalam.



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M. JOTHIRAMAN, J.

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