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CRP No.6188 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6188 of 2025 and
CMP No.30497 of 2025**

1. P.K.Chinnappan
S/o.P.V.Kuppusamy,
Pavandagoundanur,
Iyampalayampirivu, Kavindapadi
Village, Bhavani Taluk, Erode District.

Petitioner(s)

Vs

1. VAITHEESWARAN
S/o.P.K.Venkatachalam,
Pavadagoundanur, Iyampalayampirivu,
Kavindapadi Village, Bhavani Taluk,
Erode District. Komarasamy
(died),Subramani (died).

2.Kesavarthini
W/o.Komarasamy, Pavadagoundanur,
Iyampalayampirivu, Kavindapadi
Village, Bhavani Taluk, Erode District.

3.Thangamani
w/o.kathirvel, Pavadagoundanur,
Iyampalayampirivu, Kavindapadi
Village, Bhavani Taluk, Erode District.

4.Minor Sanjay @ Dharanishu
Rep. by next Friend and Mother.
Thangamani, S/o.Karthirvel,
Pavadagoundanur, Iyampalayampirivu,
Kavindapadi Village, Bhavani Taluk,
Erode District.



5.Rajeswari
w/o.Rajendran, Rasankattuthottam,
Poolapalayam, periyapuliyur Post,
Bhavani Tk, Erode Dist.

6.Rajavenkateshwaran
S/o.Ramasamy Gounder,
Pavadagoundanur, Iyampalayampirivu,
Kavindapadi Villge, Bhavani Taluk,
Erode District.

7.Veerappan
S/o.Ramasamy Gounder,
Pavadagoundanur, Iyampalayampirivu,
Kavindapadi Villge, Bhavani Taluk,
Erode District.

8.Palaniammal
w/o.Late Subramaniam,
Etdimaraththottam, Pavandagoundanur,
Iyampalayampirivu, Kavindapadi
Village, Bhavani Taluk, Erode dist.

9.P.S.Sathishkumar
S/o.Late Subramaniam,
Etdimaraththottam, Pavandagoundanur,
Iyampalayampirivu, Kavindapadi
Village, Bhavani Taluk, Erode dist.

10.S.Pradhipa
W/o.Kathivel, Poondikattuvalasu,
Kanchikovil Pallpalayam,
Perundurai Tk., Erode Dist.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and final order passed in IA.No.15 of 2025 in OS.No.498 of 2014 on the file of the Dist.Munsif Court Bhavani, dated 18.09.2025.

For Petitioner(s): Mr.B.KUMARASAMY



ORDER

This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner/third defendant, seeking comparison of the signatures of the 2nd and 3rd plaintiffs found in the plaint and vakalath, with their signatures found in the partition deed, entered into between the petitioner, first respondent's father and 2nd and 3rd plaintiffs by an expert.

2. The first respondent herein and deceased Komarasamy and Subramani, who were originally arrayed as 2nd and 3rd plaintiffs filed a suit in O.S.No.498 of 2014 for mandatory injunction, directing the defendants to form a cart track, as shown in the red coloured portion in the plaint plan and also for permanent injunction restraining the defendants from alienating the suit property. The suit was originally presented by the first respondent herein/first plaintiff and Komarasamy/2nd plaintiff and Subramani/3rd plaintiff. Pending suit, the 2nd and 3rd plaintiffs died and their legal representatives were brought on record.

3. The petitioner herein was not originally impleaded as party defendant in the suit and he was impleaded only at his instance. Thereafter, the petitioner filed his written statement raising various defence and interalia contended that the signatures of the 2nd and 3rd plaintiffs in the plaint were forged. The first



respondent/first plaintiff was examined as PW1. During his cross examination, he admitted that the 3rd plaintiff did not sign the plaint and his signature was put by 1st plaintiff. In such circumstances, the petitioner filed the instant application before the Trial Court seeking comparison of the signatures of 2nd and 3rd plaintiffs found in the plaint and vakalath along with their admitted signatures found in the partition deed. The said application was dismissed by the Trial Court as unnecessary. Aggrieved by the same, the petitioner has come before this court.

4. The learned counsel for the petitioner would submit that the first plaintiff approached the court with unclean hands by forging the signatures of the 2nd and 3rd plaintiffs and therefore, the prayer sought for by the petitioner in the instant application shall be allowed.

5. The suit is for mandatory injunction regarding forming of the Cart Track and for permanent injunction restraining the defendants from alienating the subject matter of the property. Therefore, it is clear that the suit dispute is with regard to the cart track. The rights of the parties over the cart track has to be decided based on the documents and other evidence to be let in at the time of Trial. Even assuming the signatures of the 2nd and 3rd plaintiffs are forged, still the first plaintiff is entitled to continue the suit. Further, the PW1/1st



plaintiff already admitted that the 3rd plaintiff did not put his signature in the plaint and the same was put only by him. In such circumstances, the dispute raised by the petitioner with regard to the signatures of the 2nd and 3rd plaintiff was already admitted by the PW1 and hence the expert opinion with regard to the genuineness of the signature of the 3rd plaintiff will not help the court to decide the rights of the parties with regard to the cart track. Therefore, the Trial Court rightly dismissed the application filed by the petitioner.

6. As far as the contention of the petitioner that the plaintiffs approached the court with unclean hands is concerned, already the PW1/first plaintiff admitted that the 3rd plaintiff did not sign the plaint. In such circumstances, based on the said admission, the petitioner is entitled to advance his arguments. Comparison of the signatures of the 2nd and 3rd plaintiffs will not help the court to decide the controversy involved in the suit. Therefore, I do not find any error in the impugned order to interfere with the same.

7. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

05.12.2025

Internet: yes
Index: Yes/No
Neutral citation: Yes/No
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To

The District Munsif, Bhavani.

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S.SOUNTHAR, J.

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