



CRP(MD)No.414 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04/03/2025

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

CRP (MD) No. 414 of 2025

and

CMP (MD) No. 2335 of 2025

1.P.Kandasamy
2.K.Banumathy
3.M.Thangavel
4.T.Geetha

:Petitioners/Petitioners/
Plaintiffs

Vs.

1.P.Muthusamy
2.P.Sellammal
3.M.Logambal
4.M.Sureshkumar
5.M.Vijayakumar
6.P.Meenakshi
7.S.Indumathi

: Respondents/Respondents/
Defendants 1 to 7

PRAYER:-Civil Revision Petition is filed under Article 227 of the Constitution of India, to pass an order setting aside the fair and executable order dated 26/12/2024 passed in the application in I.A No.2 of 2024 in OS No.31 of 2017 on the file of the Additional District Court (FTMC), Karur and allow the same and pass such other further orders.

For Petitioners : Mr.J.Barathan

For 1st Respondent : Mr.P.Athimoolapandian



CRP(MD)No.414 of 2025

O R D E R

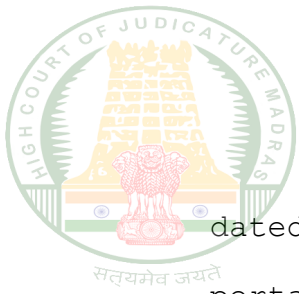
WEB COPY

This Civil Revision Petition is filed seeking an order to set aside the fair and executable order, dated 26/12/2024 passed in the application in I.A No.2 of 2024 in OS No.31 of 2017 on the file of the Additional District Court (FTMC), Karur.

2.The facts in brief:-

The plaintiffs namely the revision petitioners herein filed a suit in OS No.31 of 2017 on the file of the Additional District Court (FTMC), Karur seeking declaration that the sale deeds, dated 12/07/2016 and 13/07/2016 is null and void; and for permanent injunction restraining the defendants from disturbing the peaceful possession and enjoyment of the 3/5th share in the suit property and also restraining them from creating any document in pursuance of the sale deeds, 12/07/2016 and 13/07/2016.

3.The defendants entered appearance, the trial court framed issues and the trial about to commence, at this stage, IA No.2 of 2014 in OS No.31 of 2017 was taken out by the petitioners under Order 26 Rule 10(A) and section 151 CPC r/w section 45 of the Indian Evidence Act to send the life certificates annexed along with the sale deeds,



CRP(MD)No.414 of 2025

WEB COPY

dated 12/07/2016 and 13/07/2016 for expert opinion pertaining to the signature of the plaintiff with that of the admitted signature. That application came to be dismissed by the trial court.

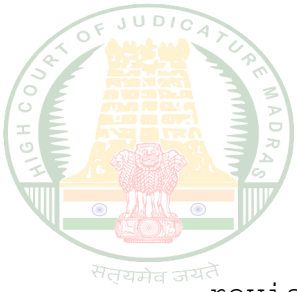
4.Against which, this civil revision is preferred.

5.Heard both sides.

6.It is a simple issue, but the affidavit and the counter of the parties runs upto 26 paragraphs in the order, which may not be relevant.

7.As mentioned above, the revision petitioners say that the life certificates annexed along with the sale deeds, dated 12/07/2016 and 13/07/2016 were created by the respondents herein for the purpose of executing the sale deeds. So, that documents must be sent for expert opinion.

8.Now the 1st respondent would say that even if we take that the life certificates are not genuine, no purpose is going to be served for deciding the issue.



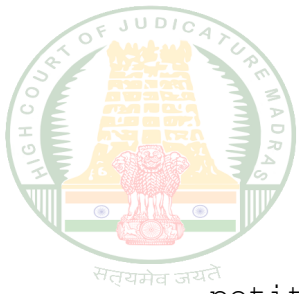
WEB COPY

9.Per contra, the learned counsel appearing for the revision petitioners would submit that their entire case is based upon the sale deeds alleged to have been executed by the respondents in pursuance of the Power Deed, dated 19/10/2015 alleged to have been executed; Now the life certificates annexed in the sale deeds itself are challenged by them as forged documents. This, according to them, is one of the circumstances or relevant fact, which will benefit them in proving their case. For that purpose, only they filed the application.

10.The trial court recorded a finding that the main issue is only with regard to the purpose of the power of attorney. That issue can be decided on the basis of the evidence to be let in by the parties and circumstances.

11.Neither the life certificates annexed along with the sale deeds, nor the expert opinion will be helpful to the court to decide the main issue.

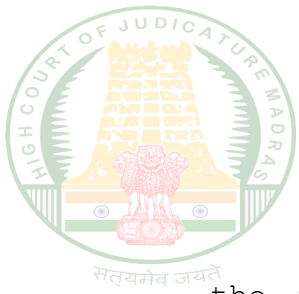
12.Only to counter this observation, as mentioned above, the learned counsel appearing for the revision petitioners would submit that this is also one of the relevant factors, which must be brought on record.



WEB COPY

13. When it is stated by the revision petitioners/plaintiffs that the document produced before the court is a fabricated one or forged, it is the duty of the court to record a finding on this aspect also. To render a finding of fact, the report of the expert will be helpful. That will avoid unnecessary oral evidence, since the trial has not commenced. So, I am of the considered view that the genuine request made by the revision petitioners must be complied.

14. The learned counsel appearing for the 1st respondent by referring to various orders of this court viz., (i) P.Muthusamy and others Vs. P.Kandasamy and 3 others (CRP(MD)No.443 of 2017, dated 05/04/2017); (ii) P.Kandasamy and others Vs. P.Muthusamy and 6 others (CMA(MD)No.618 of 2018, dated 28/05/2024); (iii) Suganya and another Vs. P.Muthusamy and 6 others (CRP(MD)No.2228 & 2127 of 2014, dated 21/10/2024) and (iv) P.Kandasamy and 3 others Vs. P.Muthusamy and others (CRP(MD)No.2128 of 2024, dated 21/10/2024) would submit that the suit was filed in the year 2017, but the trial could not be completed because of various petitions taken out in the form of CRP, CMA, etc.



WEB COPY



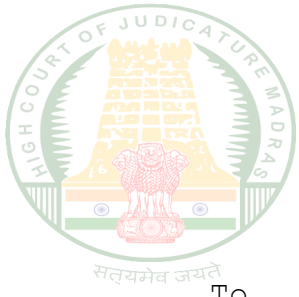
CRP(MD)No.414 of 2025

15.No doubt that there is a long delay in commencing the trial process. But there is no impediment for the trial court to commence the trial because of this revision. It is made clear that this order will not affect the commencement of the trial and completed as directed earlier. A report may be obtained before the conclusion of the trial process.

16.On the sole ground, this civil revision is liable to be allowed. Accordingly, this civil revision is allowed. The impugned order passed by the trial court is set aside. The petition in IA No.2 of 2024 in OS No.31 of 2017 on the file of the Additional District Court, (FTMC), Karur stands **allowed**. The trial court is directed to proceed with the case in light of the observation made by this court. No costs. Consequently, connected Miscellaneous Petition is closed.

04/03/2025

Index:Yes/No
Internet:Yes/No
er



CRP(MD)No.414 of 2025

To,
WEB COPY

- 1.The Additional District Court,
FTMC, Karur.
- 2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRP(MD)No.414 of 2025

G.ILANGOVAN, J

er

CRP (MD) No. 414 of 2025

04/03/2025