



C.R.P.(PD)(MD)Nos.865 and 866 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.865 and 866 of 2025

and

C.M.P.(MD)Nos.4619 of 2024

C.Suresh Raman Nadar

... Petitioner in both petitions

Vs.

1.S.Ayyappan

2.Abdul Salam

... Respondents in both petitions

COMMON PRAYER: Civil Revision Petitions - filed under Article 227 of Constitution of India, to call for the records pertaining to the order dated 12.02.2025 made in I.A.Nos.13 and 14 of 2025 in O.S.No.35 of 2018 on the file of the Sub Court, Eraniel and set aside the same.

In both petitions:

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for M/s.Roy and Roy Associates



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COMMON ORDER

These petitions have been filed challenging the orders dated 12.02.2025 made in I.A.Nos.13 and 14 of 2025 in O.S.No.35 of 2018 on the file of the Sub Court, Eraniel.

2.The petitioner is the plaintiff in the suit in O.S.No.35 of 2018 filed for declaration to declare document No.952/2004 dated 15.07.2004, document No.1502/2004 dated 17.11.2004 and Document No.412/2005 dated 31.03.2005 executed by Thangamani Nadar in favour of the defendant through Manavalakurichi Sub Registrar as null and void and for a consequential injunction restraining the defendant, his men and agents or anyone representing on behalf of him from interfering with the peaceful possession and enjoyment of the suit property and permanent injunction restraining the defendant from alienating the suit property.

3.In that suit, the petitioner filed two applications in I.A.Nos.13 and 14 of 2025 for reopening the case for adducing evidence on the side of the plaintiff under Section 151 of CPC and for summoning two additional



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witnesses under Order XVI Rule 1, 2 and 3 and Section 151 of CPC. The said applications were partly allowed permitting the petitioner to mark one revenue document. Challenging the same, the present Civil Revision Petition is filed.

4.The learned counsel for the petitioner submits that Thangamani Nadar is none other than the father's brother of the petitioner/plaintiff. The alleged sale deed in favour of the defendant is forged. Hence, it has to be proved before the trial Court. Thereby, the petitioner filed two interlocutory applications for examining the witnesses in his side to show that Thangamani Nadar used to put signature and not to put thump impression in any document. However, in the sale deed alleged to be executed in favour of the defendant, Thangamani Nadar has affixed his thump impression. Further, with regard to the property situated at Vilavancode, the registration was done in the office of the Sub Registrar, Marthandam. For that purpose, examination of Village Administrative Officer is very much vital. However, the trial Court without considering all these aspects has dismissed the applications filed by the petitioner.



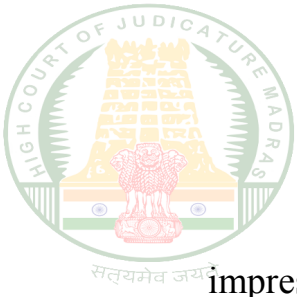
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5.Since no adverse order is going to be passed as against the respondent, notice to the respondent is dispensed with.

6.The facts in the present case are not in dispute. Admittedly, the present suit in O.S.No.35 of 2018 was filed by the petitioner/plaintiff, to declare the documents in question as null and void and for consequential injunction. However, the petitioner in the year 2025 after a lapse of 7 years of filing of the suit, filed two applications for summoning a person, who is alleged to be capable of deposing that Thangamani Nadar only used to sign and not in the habit of affixing thump impression.

7.With regard to the issue that Thangamani Nadar used to affix signature and he was not in the habit of affixing thump impression, the petitioner has already examined the office bearer of the Mondaikadu Arulmigu Bagavathi Amman Thirukovil, Peria Chakkara Theevatti Munnatta committee, registered under the Registration of Societies Act, in which Society, the said Thangamani Nadar served as Secretary. Further, the fact remains that whenever a document is registered in the office of the Sub Registrar, the parties used to affix their signature as well as thump



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impression. Both signatures and thumb impressions are used as legal identifiers for the parties involved in the document registration. Therefore, adverse presumption on genuineness of the sale deed cannot be drawn merely because the testator chose to append his thumb impression.

8.Further, the petitioner seeks to summon the Village Administrative Officer regarding the registration of the document and to mark the patta with regard to the subject property. The patta can very well be marked by the petitioner himself before the trial Court. For that purpose, summoning the Village Administrative Officer is not necessary. All the issues were rightly appreciated by the trial Court and the order passed by the trial Court need not be interfered.

9.Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2025

NCC : Yes/No
Internet : Yes / No
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To

- 1.The Sub Court, Eraniel.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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