

C.R.P.(MD)No.1639 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1639 of 2025

and

C.M.P.(MD)No.8543 of 2025

1.Pitchai Murugan
2.Saravanan

...Petitioners

Vs.

1.Sulochana
2.Bhuvaneswari

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records of the fair and decreetal order passed in I.A.No.4 of 2024 in O.S.No.40 of 2016, on the file of the learned Sub Court, Aruppukkottai dated 24.01.2025 and set aside the same by allowing this Civil Revision Petition.

For Petitioners : Mr.Ananth C.Rajesh

ORDER

This petition has been filed seeking to quash the order passed in I.A.No.4 of 2024 in O.S.No.40 of 2016, on the file of the learned Sub Court,

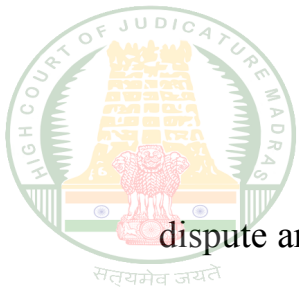


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Aruppukkottai dated 24.01.2025 and set aside the same by allowing this Civil Revision Petition.

2.The petitioners are the defendants in O.S.No.40 of 2016. Admittedly, the respondents / plaintiffs filed a suit for partition against the petitioners / brothers. It is claimed that entire property was originally owned by their mother Mookkammal, in which the respondents / plaintiffs are claiming half of the share and admitted that half of the share belongs to the petitioners / defendants. However, it is claimed by the petitioners / defendants that much earlier the said property was settled by their mother in favour of the petitioners / defendants, by way of Ex.B.3 and B.4. However, the same was denied by the respondents / plaintiffs, for which the petitioners / defendants also filed Ex.B.1 which contains their mother's signature and thereby, they preferred I.A.No.4 of 2024, for signature comparison and for obtaining expert opinion. The said application was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioners would submit that the respondents admitted the Ex.B.1 document, whereas the second plaintiff denied the documents in Ex.B.3 and Ex.B.4, executed by their mother. Hence, the petitioners filed a petition for signature comparison. Unless the documents in



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dispute are sent for expert opinion, it is not possible to deny the allegations made by the respondents / plaintiffs. Accordingly, learned Counsel for the petitioners prays for appropriate orders.

4.Since no adverse orders are passed, notice to the respondents is dispensed with.

5.The facts in the present case are not in dispute. Admittedly, the petitioners are brothers and the respondents are sisters. The suit schedule property was initially owned by Mookkammal, who is the mother of the petitioners and the respondents, in which the respondents claim half share and they also admitted that other half share belongs to the petitioners. Whereas the petitioners claim that the entire property belongs to them on the basis of Ex.B.3 and Ex.B.4. Whereas, the partition suit is on the basis of Ex.B.1, for which the petitioners want to prove the execution of settlement deeds marked as Ex.B.3 and Ex.B.4, by seeking expert opinion. Already the very same petitioners filed an I.A.No.2 of 2019, for examination of the first plaintiff and the said application was allowed, which came to be set aside by this Court in C.R.P. (MD)No.155 of 2020. Subsequently, the petitioners have filed I.A.No.4 of 2024, for comparison of signature.



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6.It is an admitted fact that it is the duty of the plaintiffs to establish the same before the trial Court. But the filing of the application by the respondents for expert opinion is unnecessary. The said issue was rightly appreciated by the trial Court. Accordingly, the order passed by the trial Court is justified. However, since the suit is of the year 2016, the trial Court is directed to dispose of the suit as early as possible in the manner known to law, without being influenced by any of the observations made by this Court in this Civil Revision Petition.

7.Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11.06.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The Sub Court,
Aruppukkottai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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