

C.R..P.(MD).No.2119 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.2119 of 2025
and
CMP (MD) No.12320 of 2025

Sundaramoorthi

... Petitioner

Vs.

1. Vijaya

2. Padmavathi

3. Marichamy

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 16.06.2025 passed in IA No.2 of 2025 in OS. 84 of 2014 on the file of Sub Court, Kovilpatti.

For Petitioner : Mr.S.Pon Senthil Kumaran



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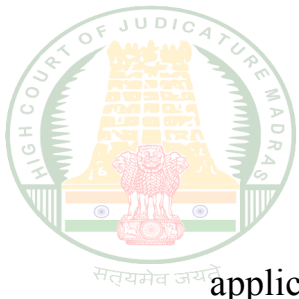
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ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decreetal order dated 16.06.2025 passed in IA No.2 of 2025 in OS. 84 of 2014 on the file of Sub Court, Kovilpatti.

2. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

3. The revision petitioner is the first defendant in O.S.No.84 of 2014. The suit was filed by the respondents/plaintiffs for partition as against the petitioner and the third respondent. During the pendency of the suit, the petitioner filed I.A.No.2 of 2025 under Order XXVI Rule 10A read with Section 151 of Code of Civil Procedure, seeking an expert opinion on the signatures of the first plaintiff found in the release deed dated 16.06.1999, marked as Ex.B-21 and settlement deed dated 02.06.2000 marked as Ex.B4, wherein, the first respondent had signed as an attestor. The request was made to compare those signatures with the signatures found in Ex.B1 (i.e., the



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application submitted for patta transfer), the plaint, the vakalat and other documents filed in the suit. The said application was dismissed by the trial Court. Aggrieved by the same, the present civil revision petition has been filed by the petitioner.

4. The learned counsel for the petitioner submitted that admittedly the Ex.B4 and Ex.B24 are unregistered documents. Ex.B4 relates pertains to a relinquish deed executed by the first respondent in favour of the petitioner's father. Ex.B21 is a settlement deed executed by the petitioner's father in favour of the petitioner, in which the first respondent was the signatory. However, she subsequently denied her signatures on both the documents. Therefore, it became necessary to file I.A.No.2 of 2025 seeking expert opinion for comparison of the signatures. However, the dismissal of the application by the trial Court is not sustainable and accordingly, the learned counsel for the petitioner prays to allow the present revision petition.

5. In this connection, the learned counsel for the petitioner also relied upon the order of this Court in P.Indiran v. M.Balakrishnan and Others, reported in 2021 AIR CC 1001, wherein this Court held that it is just and



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necessary that Ex.A12 has to be compared along with the sample sale deed.

By relying on the above decision, the learned counsel for the petitioner submits that a similar comparison is warranted in the present case between the disputed signatures and those found in vakalat, the plaint and other documents.

6. Admittedly, the facts in the present case are not in dispute. The petitioner is the first defendant in a partition suit. The suit was filed by the respondents 1 and 2, who are the plaintiffs in the suit. The first respondent/plaintiff is wife of the petitioner's brother and the second respondent/plaintiff is daughter of the first respondent. They filed the partition suit as against the petitioner and denied the validity of Exhibits B4 and B21. Ex.B4 pertains to an alleged relinquish deed executed by the first respondent in favour of her father-in-law and Ex.B21 relates to an alleged settlement deed executed by the petitioner's father in favour of the petitioner, in which the petitioner claims that the first respondent acted as an attested witness. However, the first respondent subsequently denied her signatures on both documents. Therefore, the petitioner filed I.A.No.2 of 2025 seeking expert opinion for comparison of signatures.



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7. It is pertinent to note that the petitioner did not produce any contemporary documents executed prior to Ex.B4 and Ex.B24. Both Ex.B4 and Ex.B24 are unregistered documents. Without producing the contemporary documents executed close in time either prior to or within two or three years of Ex.B4 and Ex.B24 and any attempt to compare signatures with those signatures found in later documents, such as vakalat and the plaint, is questionable.

8. This Court has also perused the decision of *P.Indiran's* case (cited supra) relied upon by the learned counsel for the petitioner. However, in the said decision, the documents permitted for comparison were well within the period of two years and thus, the said decision also does not come to the aid for the petitioner. The vakalat and the plaint are not the contemporary documents, as they were signed more than 15 years after Exhibits B4 and B21. Therefore, the issue was rightly appreciated by the trial Court and there is no need for interference by this Court.



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9. Accordingly, this Civil Revision Petition stands dismissed.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PKN

To

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



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M.DHANDAPANI,J.

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