



*C.R.P(MD)No.2744 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 07.10.2025

DELIVERED ON: 26.11.2025

CORAM

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**C.R.P(MD)No.2744 of 2025**

**and**

**C.M.P(MD)No.16060 of 2025**

1.Arumugam

2.Easwari

...Petitioners/Petitioners/  
Defendants 1 & 2

Vs.

1.Suganya

2.Sowmiya

...Respondents 1 & 2/  
Respondents 1 & 2/  
Plaintiffs

3.Palaniyammal

4.P.Kandasamy

5.K.Banumathy

6.Thangavel

7.T.Geetha

8.P.Muthusamy

9.P.Sellammal

10.M.Logambal

11.M.Sureshkumar

12.M.Vijayakumar

13.P.Meenakshi

14.S.Indumathi

15.P.Rajagopal

16.R.Arunkumar



*C.R.P(MD)No.2744 of 2025*

17.R.Sabarish

...Respondents 3 to 17/  
Respondents 3 to 17/  
Defendants 3 to 17

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2025 in O.S.No.32 of 2017 on the file of the Additional District Court (FTMC), Karur dated 05.08.2025.

For Petitioners : Mr.S.Meenakshi Sundaram  
For Mr.R.Balakrishnan

For Respondents : Mr.P.Athimoolapandian

### **ORDER**

The instant Civil Revision Petition has been filed to set aside the fair and decreetal order passed in I.A.No.3 of 2025 in O.S.No.32 of 2017 on the file of the Additional District Court (FTMC), Karur dated 05.08.2025.

2. The learned senior counsel for the petitioners submits that the respondents 1 and 2 filed a suit seeking for relief of declaration in respect of the sale deeds executed in the year 2016 by the 8<sup>th</sup> respondent as Power Agent of the petitioners and the defendants 4 to 7 in favour of the



*C.R.P(MD)No.2744 of 2025*

respondents 9 to 14 are not binding on them. They also sought partition and separate possession of the suit schedule properties, in which the petitioners had filed a written statement. He would further submit that the respondents 4 to 7 filed an independent suit seeking to cancel the sale deeds executed in the year 2016 by the eighth respondent as Power Agent in favour of the respondents 9 to 14 with respect to 3/5 share in the suit properties. In the said suit, the respondents 9 to 14 had filed an application for a joint trial on the ground that the subject matter and the parties in both suit were one and the same, which has been mechanically allowed. Against which the petitioner preferred a revision in CRP(MD)No.2228 of 2024. The said civil revision petition was allowed by a common order dated 21.10.2024 but directed the suits to be tried simultaneously.

3. Thereafter, the respondents 4 to 7 filed an application to appoint an Advocate Commissioner to send the disputed signatures found in the life certificates annexed to the sale deeds for comparison with the admitted signature. The learned Single Judge dismissed the application. Against which, they filed a revision in CRP(MD)No.414 of 2025. By order dated 04.03.2025, this Court allowed the civil revision petition and



*C.R.P(MD)No.2744 of 2025*

directed the Trial Court to appoint an Advocate Commissioner to obtain an expert opinion.

4. Since the petitioners also disputed the signature found in the life certificates annexed to the sale deeds, they filed an application in I.A.No. 3 of 2025 seeking to appoint an Advocate Commissioner to hand over the Power of Attorney deed and the alleged original certificates to a handwriting expert. However, the said application had been dismissed. He submitted that the Court below had failed to note that in similar circumstances, against the order of dismissal passed on the application by the respondents 4 to 7, this Court had over turned the decision of the Court and directed the appointment of Advocate Commissioner for comparison of the signatures. He further submits that even in the written statement, the petitioners have disputed the signatures in the life certificates annexed to the sale deeds in issue. That being so, the Court ought to have allowed the petition. Hence, he seeks indulgence of this Court to interfere with the order passed by the Court below.

5. Countering his arguments, the learned counsel for the respondents submits that the application has been filed only to protract



*C.R.P(MD)No.2744 of 2025*

the proceedings. He submits that the execution of Power of Attorney had been admitted by the petitioners even though the petitioners have attempted to aver the power of attorney has not been executed to sell the properties. The petitioners have not substantiated with any materials to sustain the same. The life certificates have been only obtained to assure the fact that the Principals are alive. Now, the principals are alive. Therefore, the Power of Attorney executed by them unless and until cancelled, continuous to be the valid Power of Attorney. He submitted that such issues can only be decided at the time of the trial. Therefore, there is no infirmity in the order impugned in this revision. Hence, he prays this Court to dismiss the civil revision petition.

6. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. It is to be noted that in the very same suit, the respondents 4 to 7 had earlier filed an application seeking comparison of the signatures in the life certificates, which was dismissed by the Trial Court. Against which, they filed a revision and this Court in CRP(MD)No.414 of 2025, by order dated 04.03.2025, allowed the revision petition by holding that



*C.R.P(MD)No.2744 of 2025*

the report of an expert is required to arrive at a finding of the fact, therefore, it would also avoid unnecessary oral evidence and found that the request for referring the disputed documents to an expert was genuine. This Court is in agreement with the view taken by the learned Judge in the aforesaid civil revision petition.

8. In view of the same, this Civil Revision Petition stands allowed. The impugned order passed by the Trial Court is set aside. As a consequence, I.A.No.3 of 2025 in O.S.No.32 of 2015 on the file of the Additional District Court (FTMC), Karur, stands allowed with a direction to the Trial Court to proceed further by appointing an Advocate Commissioner and send the life certificates to hand writing expert through the Advocate Commissioner along with the contemporary admitted documents. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**26.11.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
sn



*C.R.P(MD)No.2744 of 2025*

To

WEB COPY

- 1.The Additional District Court (FTMC), Karur.
- 2.The Section Officer,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*C.R.P(MD)No.2744 of 2025*

**K.KUMARESH BABU,J.**

SN

C.R.P(MD)No.2744 of 2025

26.11.2025