



CRP(MD). No.3674 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3674 of 2025
and
CMP(MD) No.19436 of 2025**

1.S.Saravanan

2.S.Renuka

3.S.Selvi

... Petitioners

Vs

1.M.Dhanalakshmi

2.A.Rajapunisha

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India, to set aside the Ex order and Fair order passed in IA No.7 of 2024 in OS No.217 of 2019 on the file of the Learned 1st Additional District Judge, Madurai.

For Petitioner : Mr.V.Nagendran

For R1 : Mr.B.Rooban



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ORDER

This Civil Revision Petition is filed challenging the order dated 19.09.2025 made in I.A.No.7 of 2024 in O.S.No.217 of 2019 on the file of the I Additional District Court, Madurai.

2.The petitioners are the defendants in O.S.No.217 of 2019 on the file of the I Additional District Court, Madurai. The suit was filed for the relief of declaration and permanent injunction. Pending suit, the petitioners/defendants filed an application in I.A.No.7 of 2024 to appoint an Advocate Commissioner to send the disputed signature of one Peer Fathima found in the sale receipt, which is marked as Ex.P4 and the consent letter/undertaking agreement, which is marked as Ex.P5, with the admitted signature of Peer Fathima found in Ex.A1, sale deed and Ex.A5, power of attorney and the disputed signature of Muruganantham found in the attesting part of Ex.P4, sale receipt with the admitted signature of Muruganantham found in Ex.A8, sale agreement. The said petition was dismissed. Challenging the same, the petitioners/defendants have filed the present Civil Revision Petition.



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3.The learned counsel for the petitioners reiterating all the contentions set out in the memorandum of grounds of Revision would submit that as the sale receipt, Ex.P4 and the undertaking agreement/consent letter, Ex.P5 are the important documents on their side to prove the entire payment of sale amount and the oral sale, it is necessary to appoint an Advocate Commissioner to send the disputed signature of Peer Fathima and Muruganantham as prayed for. However, the trial Court, without considering the facts and circumstances of the case properly, had dismissed the application filed by the petitioners/defendants. Hence, he prays for appropriate orders.

4.The learned counsel for the first respondent would submit that the petitioners/defendants have filed number of applications seeking various reliefs before the Court below and all the applications filed by the petitioners were dismissed. Only to drag on the proceedings, the petitioners have once again come forward with the present application, which was also dismissed by the Court below, vide order dated 19.09.2025. Thus, he submits that no interference is required by this Court in the order impugned herein.



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5. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

6. The facts in the present case are not in dispute. Admittedly, the respondents/plaintiffs filed a suit for declaration and permanent injunction as against the petitioners/defendants. Pending suit, an application was filed by the petitioners seeking to appoint an Advocate Commissioner for comparison of signatures. The sale receipt was marked as Ex.P4 and the undertaking agreement/consent letter was marked as Ex.P5 in the suit itself and in the written statement also, it was alleged that one Selvaraj rendered proper accounts to the plaintiffs' mother and obtained sale receipts and that the plaintiffs' mother has executed a consent deed authenticating the sale by Selvaraj and has submitted that the alienation made by Selvaraj will bind Peer Fathima and the plaintiffs.

7. Further, the sale receipt, Ex.P4 and the undertaking agreement/consent letter, Ex.P5 are of the year 2007. Now, after a lapse of more than 18 years, the petitioners sought to compare the signatures



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found in the sale receipt as well as the undertaking agreement/consent letter, which is not sustainable. The issue was rightly appreciated by the trial Court and the order dismissing the application filed by the petitioners need not be interfered with.

8. Accordingly, this Civil Revision Petition is dismissed. Since the suit is of the year 2019, the learned I Additional District Judge, Madurai, is directed to dispose of the suit in O.S.No.217 of 2019 within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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10.12.2025

To

The I Additional District Judge, Madurai.



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N.SENTHILKUMAR, J.

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