



CRP(MD). No.3788 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3788 of 2025
and
CMP(MD) No.19936 of 2025**

1.B.Chitra

2.T.Gunasekaran

3.G.Senthilkumaran

4.G.Selvakumar

5.G.Suriyakumar

... Petitioners

Vs

1.R.Kala

2.Pitchaiyammal

3.S.Krishnan

4.P.Deivanai

5.J.Devi

6.C.Latha

1/7



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7.V.Srikantha @ Balakuppusami

8.N.Ponnusami

9.S.Veerappan

10.S.Kiruthika

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records and to set aside the Fair and Decretal order passed in I.A.No.12 of 2025 in O.S. No. 65 of 2013 dated 24.10.2025 on the file of Learned I-Additional District Court (PCR), Tiruchirappalli.

For Petitioners : Mr.K.Sivabalan

ORDER

This Civil Revision Petition has been filed challenging the order passed in I.A.No.12 of 2025 in O.S. No. 65 of 2013 dated 24.10.2025 on the file of I Additional District Court, (PCR), Tiruchirappalli.

2.The petitioners herein are the defendants 9 and 12 to 15 in the suit in O.S.No.65 of 2013 pending on the file of the I Additional District Court (PCR), Tiruchirappalli. The suit was originally filed by the first respondent/plaintiff as against the respondents 2 to 9/defendants 1 to 8 for partition with respect to the suit property. The petitioners/defendants



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9 and 12 to 15 were impleaded as parties to the suit, vide order dated 04.03.2025 and 25.02.2025. When the suit was posted for evidence of petitioners/the defendants 9 and 12 to 15, the petitioners filed the present application in I.A.No.12 of 2025 under Order XXVI Rule 10 and Section 151 of CPC to direct the first respondent/plaintiff to produce documents, which belong to contemporary period, for comparison of signature and thumb impression of the first respondent/plaintiff, by referring the same to an expert. The said application was dismissed on the ground that there is no necessity to compare the signature and the thumb impression of the first respondent/plaintiff found in Ex.B1, Will, as she is neither an attesting witness nor a person, who identified the testator. Challenging the same, the petitioners have filed the present Civil Revision Petition.

3.The learned counsel for the petitioners would submit that the petitioners have purchased the property from the second defendant. In the cross-examination, the first respondent/plaintiff had herself admitted that she had no objection to produce documents from the contemporary period for comparison of her signature and thumb impression. However, when an application was filed for production of documents, contrary to



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the statement given by her in the cross-examination, the first respondent has taken a stand that the comparison of her signature is not necessary.

4.He would further submit that as there is a dispute with regard to the execution of the Will, it is necessary to compare the signature and thumb impression found in Ex.B1. However, the trial Court, without considering all these aspects, dismissed the application filed by the petitioners, which has caused severe hardship to them. Hence, he prays for appropriate orders.

5.Heard the learned counsel for the petitioners and perused the records.

6.Since no adverse order is going to be passed in this petition as against the respondents, notice to the respondents is dispensed with.

7.Admittedly, the first respondent/plaintiff filed a suit for partition as against the respondents 2 to 9/defendants 1 to 8 for partition. Subsequently, the petitioners, who had purchased the property from the



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third respondent/second defendant, were impleaded as parties to the suit, vide order dated 04.03.2025 and 25.02.2025 by the trial Court. When the suit was posted for evidence of petitioners, the petitioners filed I.A.No.12 of 2025 for production of document, which belongs to contemporary period, to compare the signature and thumb impression of the first respondent found in Ex.B1, by referring the same to an expert.

8.The main contention raised by the learned counsel for the petitioners is that as there is a dispute with regard to the execution of the Will, Ex.B1, it is necessary to compare the signature and thumb impression found in Ex.B1. Admittedly, the Will is a registered one. Despite registration, the Will has to be proved in a manner known to law, by atleast examining one of the two attesting witnesses. If none of the two witnesses are examined, owing to the circumstances of the case, then the other modes legally available have to be pursued to prove the Will. In the present case, it is to be noted that the third respondent/second defendant had already examined one of the attesting witnesses to Ex.B1, Will, namely, Neelamegam, as DW2 and as such, the trial Court came to a conclusion that there is no necessity to compare the signature and the



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thumb impression of the first respondent/plaintiff found in Ex.B1, Will, as she is neither an attesting witness nor a person, who identified the testator. Further, even if there is an admission in the cross examination, that will not strengthen the case of the petitioners, as they are only the subsequent purchasers, who were not aware of the signature found in Ex.B1. Thus, this Court is of the view that the Court below has rightly appreciated the facts and circumstances of the case and this Court also does not find any illegality or perversity in the order impugned herein.

9. Accordingly, this Civil Revision Petition stands dismissed as being devoid of merits. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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16.12.2025

To

The I Additional District Judge, PCR Court, Tiruchirappalli.



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N.SENTHILKUMAR, J.

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