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CRP No. 2008 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2008 of 2026

AND

CMP NO. 8929 OF 2026

A.R.Palanisamy
S/o Late Orukkamalai (a) Raman,
Door No.108, 4th Cross Street,
Chinna Thirupathi Post,
Salem Town, Taluk and District

..Petitioner(s)

Vs

1. Sellammal
W/o Late Sengodan
Res at Padaiveedu Village and Post,
Allinaickenpalayam,
Kumarapalayam Taluk,
Namakkal District.
2. Kalamani
D/o Late Sengodan
W/o Saminathan
Res at Padaiveedu Village and Post,
Allinaickenpalayam,
Kumarapalayam Taluk,
Namakkal District
3. Palanisamy
S/o Late Sengodan
Res at Padaiveedu Village and Post,
Allinaickenpalayam,
Kumarapalayam Taluk,
Namakkal District

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to call for the records relating to the order dated 24.10.2025 in IA.No.5/2025 in OS.No.388/2020 on the file of the District Munsif Court, Kumarapalayam examine the legality and propriety of the said orders, set aside the same and allow the prayer in the IA.

For Petitioner(s): Mr.J.Muthukumaran

ORDER

Challenging the impugned order passed in I.A.No.5 of 2025 in O.S.No.388 of 2020 by the learned District Munsif Court, Kumarapalayam, the Revision Petitioner/defendant had preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioner/defendant filed the application under Order VIII Rule 1A(3) and Order XXVI Rule 10(2) of C.P.C. seeking to send the documents for obtaining expert opinion in respect of the alleged sale agreement dated 12.03.2008 relied on by the respondents/plaintiff along with Family Pension details form of the year 2015, but the trial judge dismissed the application holding that they have not produced any contemporaneous document pertaining to the disputed agreement of the year 2008. Aggrieved over that, he preferred this Civil Revision Petition.



3. The learned counsel for revision petitioner/defendant would submit that on the very face of record, it is revealed that the said sale agreement dated 02.03.2008 is a fabricated one and signature found in the document is not belong to this revision petitioner/defendant. However, to prove the same, he is having Family Pension details form dated 19.02.2005, wherein it contains his signature. He would submit that though nearly 7 years lapsed from the date of the alleged execution of the document, to prove his defence, he is in need of expert opinion with the regard to the related document. Hence, he prayed to set aside the findings of trial judge.

4. Admittedly, the trial judge had dismissed the application holding that contemporaneous document has not been produced. Even on considering the revision petitioner's submissions, he has not produced the document relating to the year of 2008, but he relied on the document of the year 2016, but it is upto the expert, whether it is relevant or not. Therefore, at this stage, this Court cannot make any observation. Hence, the findings rendered in I.A.No.5 of 2025 in O.S.No.388 of 2020 by the learned District Munsif, Kumarapalayam is set aside and the application filed in I.A.No. 5 of 2025 is allowed. The trial judge is directed to appoint an Advocate Commissioner to send the sale agreement along with signature containing document relied on by the revision petitioner/defendant. After obtaining the report, the trial judge is directed to



proceed with the matter. Accordingly, this Civil Revision Petition is allowed.

No costs. Consequently, connected civil miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The District Munsif Court, Kumarapalayam.



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T.V.THAMILSELVI J.

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