



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**CRP No. 368 of 2022
and CMP No. 1910 of 2022**

1. M. Samiyappan
2. M. Jothi Bakkiyam
3. M. Alexander

..Petitioner(s)

Vs

1. Jothimani
2. Esthar
3. Ramani
4. Gunaselli
5. Chithiradevi
6. Prabhavati
7. Kalavathi
8. Umarani

..Respondent(s)

Prayer: This petition to set aside the order and decretal order dated 29.10.2021 passed in IA No.2 of 2021 in OS 416 of 2013, on the file of the I Additional District Munsif Court, Erode.

For Petitioner(s): Mr.Govind Chandrasekhar

For Respondent(s): No appearance

ORDER

The instant Civil Revision Petition had been filed challenging the order of the learned I Additional District Munsif, Erode, wherein the Petition filed by the petitioner to call for the records of the documents in O.S. No. 208 of 1997 and



to call for the records in A.S. No. 56 of 1996 under Rule 74 of the Civil Rule of Practice so as to compare the signature of the deceased A.M.Muthaiyan, who had also executed the Will dated 10.09.2000 for the said Will to be compared with the signature that the deceased had affixed in the Court records, was dismissed.

2.The learned counsel for the petitioner submitted that the petitioner had also earlier taken out an application to compare the signature of the deceased A.M.Muthaiyan, which was a disputed signature, with certain documents, which was originally allowed and thereafter set aside by this Court by holding that the document which was sought was not a contemporaneous document as the Will dated 10.09.2000 had come into existence much after the execution of that document. As the signature of the deceased A.M.Muthaiyan had been disputed and now that the petitioner had indicated that there are contemporaneous documents relating to the period on which the Will has been executed, it had become necessary to call for the records. It is to be seen that the records in O.S. No. 208 of 1997 is available with the very same Court which is also dealing with the instant suit and also the Original Suit upon which the Appeal Suit in A.S. No. 56 of 1996 arises in which the contemporaneous signature is alleged to be found was also dealt with by the very same Court.



3.A perusal of the order dated 29.10.2021 in I.A. No. 2 of 2021 reveals that the reason that has been attributed by the learned Judge in dismissing the application is that the petitioner could very well obtain the certified copy of the said document and place it before the Court. Without producing the certified copy of the said document, the petitioner cannot be allowed to call for the alleged contemporaneous documents.

4.The reason for which the documents had been sought by the Petitioner by exercising the power under Rule 74 of the Civil Rules of Practice is to compare the signature of the deceased A.M.Muthaiyan in the disputed Will. Obtaining the certified copy of the documents in no manner advances the case of the petitioner as it is only with the originals, the Experts would be able to compare the signatures. Hence, the reason assigned by the Court below is without application of mind and for that reason, it requires be to be interfered.

5.For the aforesaid reasons, the Civil Revision Petition stands allowed and as a sequel I.A. No. 2 of 2021 stands allowed as prayed for. No order as to costs.

08-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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K.KUMARESH BABU, J.

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To

The I Additional District Munsif Court,
Erode.

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