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CRP No. 2409 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

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

CRP No. 2409 of 2026

AND

CMP NO. 10310 OF 2026

E.Padmavathi
W/o. Eswaran,
Periyangkattu Thottam,
Moongilpatti Village,
Anthiyur Taluk,
Erode District.

..Petitioner(s)

Vs

N.Mohana
W/o. Late Nanjundeeswaran,
Thacchan Thottam,
Keezhvani Village,
Anthiyur Taluk,
Erode District.

..Respondent(s)

CMP No. 10310 of 2026

E.Padmavathi
W/o. Eswaran,
Periyangkattu Thottam,
Moongilpatti Village,
Anthiyur Taluk,
Erode District.

..Appellant(s)

Vs

N.Mohana
W/o. Late Nanjundeeswaran,
Thacchan Thottam,
Keezhvani Village,
Anthiyur Taluk,
Erode District.

..Respondent(s)

**CRP No. 2409 of 2026**

PRAYER: This Civil Revision Petition is filed under Section 151 of the Civil Procedure Code, 1908, praying to set aside the Common Fair order and Final order dated 29.01.2026 made in IA No.3 of 2020 in AS No. 4 of 2020 on the file of the IIIrd Additional District Judge, Erode at Gobichettipalayam.

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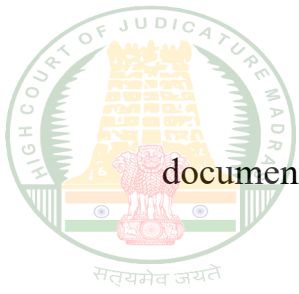
For Petitioner(s): MR.Roshan Atiq M

For Respondent(s): MR.D. Gokulakrisnan

Order

Challenging the common impugned order dated 29.01.2026 made in I.A. No. 3 of 2020 in A.S. No. 4 of 2020 on the file of the learned III Additional District Judge, Erode at Gobichettipalayam, the respondent has preferred the present Civil Revision Petition. Before the First Appellate Court, the appellant filed two applications in I.A. No. 3 of 2020 and I.A. No. 4 of 2022 seeking to receive the petition mentioned documents as additional documents and to send certain signatures for expert comparison. The said applications were allowed by the First Appellate Judge.

2. The revision petitioner contends that the applications ought to have been decided along with the main appeal in A.S. No. 4 of 2020 and that allowing them separately permitting the appellant to produce additional



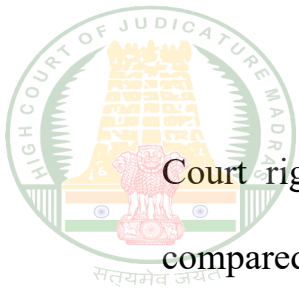
documents is erroneous and liable to be set aside.

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3. The learned counsel for the respondent submitted that, in order to establish possession over the suit property, the appellant sought to produce documents such as patta, *patta natham (nagal)* copy, kist receipts and a copy of the complaint. These documents are relied upon to substantiate her possession. The applications in I.A. No. 3 of 2020 was filed to receive the above documents, while I.A. No. 4 of 2022 was filed seeking to send the signatures of the deceased appellant's husband, along with admitted signatures, for comparison.

4. It is further submitted that, in I.A. No. 4 of 2022, the appellant sought permission to send the disputed signatures found in the unregistered Will (marked as Ex.B13 before the trial Court) along with admitted signatures for expert opinion. Though the said Will was discussed by the trial Court, it was held to be not proved.

5. The learned counsel for the revision petitioner submitted that the genuineness of the Will had already been discussed and considered by the trial Court, particularly in paragraphs 21 and 22 of its judgment, wherein the attesting witness was examined. Upon appreciation of such evidence, the trial

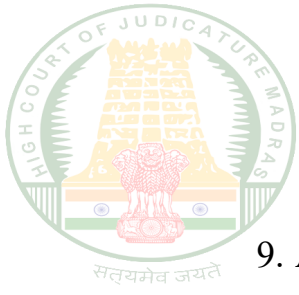


Court rightly held that the Will was not proved. The trial Court had also compared the signatures in Ex.A26 and Ex.B13 and concluded that the Will is not genuine.

6. However, as rightly pointed out by the learned counsel for the respondent, no expert opinion had been obtained with respect to the Will, though admitted signatures were available. While it was open to the appellant to take steps at the trial stage, the appeal being a continuation of the suit, the appellant is entitled to raise all permissible contentions and adduce additional evidence, subject to law.

7. With regard to I.A. No. 3 of 2020, the documents sought to be produced are revenue records intended to establish possession of the property. There is nothing on record at this stage to conclude that the said documents are fabricated or created subsequent to the suit.

8. Considering the fact that the appellant is now prosecuting the case after the demise of her husband, she ought to be given a fair opportunity to substantiate her case. The First Appellate Court has exercised its discretion judiciously in allowing the applications. In view of the above, this Court finds no infirmity or illegality in the orders passed by the First Appellate Court warranting interference under revision jurisdiction.



9. Accordingly, the Civil Revision Petition is **dismissed**. The order dated 29.01.2026 made in I.A. No. 3 of 2020 in A.S. No. 4 of 2020 of the First Appellate Court is hereby confirmed. No costs. Consequently the connected miscellaneous petition is also closed.

22-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JRS

To
The II Additional District Judge, Erode at Gobichettipalayam.



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T.V.THAMILSELVI J.

JRS

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