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CRP No. 522 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 522 of 2026 and

CMP.No.2769 of 2026

1. Raji
2. Subramani

..Petitioner(s)

Vs

1. Shanthi
2. Rajagopal
Balasubramanian (Died)
3. Padmanathan
4. Chitra
5. Subbulakshmi
6. Karthikeyan
7. Ranjitham
8. Malarkodi
9. Jaya
10. Manoj Prabakaran
11. Karthick
12. Sulochana
13. Jothi
14. Saroja
15. Saravanan



16. Mani alias Govindasamy

17. Govindaraj

18. Alarmelumangai

19. S. Ponni

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 29.01.2025 passed in IA No.9/2024 in OS No.182/2018 on the file of the Sub Court, Omalur, Salem District

For Petitioner(s): M/s.D.Rameshkumar

ORDER

The civil revision petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioners/defendants 1 and 2 seeking comparison of the alleged thumb impression of the petitioners found in sale deed dated 21.05.1981 in favour of 7th defendant in the suit with the admitted thumb impression.

2. The respondents 1 to 8 filed a suit seeking declaration of title and for recovery of possession. They also sought for declaration that the sale deed dated 21.05.1981 in favour of 7th defendant was null and void. The respondents 1 to 8/plaintiffs also sought for prayer for partition.

3. The petitioners/ defendants 1 and 2 filed their written statement and contended that the sale deed allegedly executed by them in favour of 7th



defendant was a forged one as the petitioners never in the habit of putting thumb impression in the document.

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4. Since there is a serious dispute with regard to the execution, validity of sale deed in favour of 7th defendant, the petitioners filed instant application seeking comparison of their alleged thumb impression found in the questioned document with the admitted document. The said application was dismissed by the trial court. Aggrieved by the same, the petitioners have come before this court.

5. The learned counsel for the petitioners vehemently contended that the petitioners are not in the habit of putting thumb impression and they used to sign the documents and therefore, the sale deed executed in favour of 7th defendant which contains alleged thumb impression of the petitioners is not a valid document. He further submitted that the petitioners' thumb was lost in an accident and therefore, there is no possibility for the petitioners to put their thumb impression. If it is the case of the petitioners that thumb of the petitioners was lost in an accident, it is not possible for them to put their thumb impression, the question of comparing the questioned document with the admitted document will not arise. It is a matter of common knowledge that for the purpose of comparison, the petitioners have to produce an admitted document which contains the thumb impression of the petitioners. When this court made a specific query to the petitioners with regard to the admitted document for comparison, the learned counsel for the petitioners is not in a position to say



what is the admitted document containing thumb impression of the petitioners for the purpose of comparison. When the admitted document of the petitioners containing their thumb impression is not available, there is no possibility for comparison of the thumb impression found in the questioned document. By referring to evidence of P.W.1, it was stated by the learned counsel for the petitioners that petitioners' thumb was lost in an accident. In that case, taking sample thumb impression before the Court is also not possible. Therefore, I do not find anything to interfere with the final conclusion reached by the trial court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

10-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Sub Court, Omalur, Salem District



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S.SOUNTHAR, J.

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