



CRP.No.3030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :11.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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and CMP.No.16986 of 2025

- 1.Subbammal
- 2.Poovathal
- 3.Mylsamy
- 4.Kannammal

... petitioners

vs.

Kannan @ Ponnusamy (died)

- 1.Marudhachalam @ Mani
- 2.Nataraj (teacher)
- 3.Parvati
- 4.P.Nagarajan
- 5.P.Nagammal
- 6.P.Devarajan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order passed in I.A.No.1448 of 2017 in O.S.No.2014 of 2008 on the file of the V Additional District Munsif, Coimbatore, dated 05.06.2025 and allow the Civil Revision Petition.



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For Petitioners : Mr.V.Sivakumar

For Respondents : Mr.M/s.V.S.Usharani for R1 to R5

R6-Insufficient address

J U D G M E N T

The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioners/plaintiffs seeking appointment of Commissioner for conducting scientific comparison of disputed finger print with the admitted sample.

2. The petitioners herein filed a suit seeking delivery of possession against the respondents. It was their case that the suit property was originally purchased by father of the petitioners 1 to 3 namely Rangappa Gowder in the year 1942. Out of the total extent of 1.81 acres purchased by Rangappa Gowder, he sold 1 acre of land to father of the defendants, Rangi Chettiar vide sale deed No.2293 of 1950, dated 25.08.1950. Thereafter, Rangappa Gowder had been in possession and enjoyment of the balance 81 cents without interference from any quarters. The father of the defendants, Rangi Chettiar was permitted by the plaintiffs to look after the agricultural operation in the suit property and on that understanding, Rangi Chettiyar used to hand over the agricultural produce to the plaintiffs



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all along. During May 2008, when the 3rd plaintiff visited the suit property, he was prevented by the defendants by claiming that the suit property was sold by the plaintiffs' father. It was also claimed by the petitioners/plaintiffs that the defendants informed them that all these days, the agricultural produce was shared with the plaintiffs on humanitarian ground. It was further claimed by the petitioners that they issued a legal notice to the defendants terminating the permissive occupation and the same was replied by the defendants by making invalid claims. Hence, the present suit was laid seeking delivery of possession.

3. The respondents filed a written statement and contended that after selling one acre of land to the defendants in the year 1950, the father of the plaintiffs, Rangappa Gowder mortgaged the property in favour of one Palaniammal. They also claimed that the balance extent of 81 cents was leased out by Rangappa Gowder in favour of Rangi Chettiar. On 03.03.1955, the paternal uncle of 3rd plaintiff, Nanjappa Gounder, as a guardian, sold 81 cents (suit property) to the father of the defendants, Rangi Chettiar. They claimed that from that date onwards they had been in possession and enjoyment of the suit property continuously and uninterruptedly for the past 53 years. It was also claimed that the revenue

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documents were also mutated in favour of the defendants. On these grounds, the suit was resisted by the respondents.

4. Since the respondents in the written statement referred to above two mortgage deeds and one lease deed executed by Rangappa Gowder, the petitioners filed an instant application seeking comparison of the disputed thumb impression found in the official documents of Sub Registrar's Office relating to registration of the above said documents with admitted thumb impression of the Rangappa Gowder with regard to the admitted 1950 sale. The said application was dismissed by the trial Court and aggrieved by the same, the petitioners have come before this Court.

5. The learned counsel appearing for the petitioners vehemently contended that the defendants in the written statement relied on two mortgage deeds allegedly executed by the Rangappa Gowder and one lease deed executed by him. Therefore, the thumb impression of Rangappa Gowder available with the registering authority shall be compared with admitted thumb impression of Rangappa Gowder available with the Registrar's Office relating to admitted sale deed of the year 1950.



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6. A close scrutiny of the written statement would indicate that the defendants claimed that the suit property was sold to their father Rangi Chettiar by 3rd petitioner's guardian, Nanjappa Gounder. Therefore, it is clear that it is not the case of the defendants that father of the plaintiffs, Rangappa Gowder sold the property to father of the defendants. It was their specific case that the guardian of the 3rd plaintiff, Nanjappa Gounder in his capacity as guardian of minor 3rd plaintiff sold the suit property to Rangi Chettiar. In order to retain their possession, they relied on the sale deed executed by guardian of the 3rd plaintiff Nanjappa Gounder and the defendants are not relying on mortgage deeds executed by Rangappa Gowder in favour of 3rd party namely Palaniammal. In these circumstances, comparison of the thumb impression relating to mortgage deeds and lease deed with admitted thumb impression of Rangappa Gowder will not have the material bearing on the validity of the registered sale deed relied on by the defendants executed by Nanjappa Gounder in his capacity as guardian in favour of defendants father, Rangi Chettiar. Therefore, the comparison of the thumb impression of Rangappa Gowder relating to the questioned mortgage deeds and lease deed will not have material bearing on the outcome of the suit in the light of the Core defence raised by the defendants

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based on the sale deed executed by Nanjappa Gowder in favour of Rangi
Chettiar.

7. It is also pertinent to note that the plaintiffs have not included any prayer in the plaint, challenging the sale deed dated 03.03.1955 executed by Nanjappa Gounder as guardian of the 3rd plaintiff in favour of the defendants' father. In such circumstances, the comparison of thumb impression relating to mortgage deeds and lease deed which were executed prior to the sale deed dated 03.03.1955 will not have any impact on the final out come of the suit.

8. In such circumstances, I do not find any irregularity and illegality in the order passed by the trial Court, accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

30.02.2026

Index : Yes
Speaking order: Yes
Neutral Citation: Yes
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To

The V Additional District Munsif,
Coimbatore.



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S.SOUNTHAR, J.

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