



WEB COPY

CRP No. 4005 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

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

CRP No. 4005 of 2025

AND

CMP NO. 20815 OF 2025

1. Mubeena Bee
D/o. D.Ansar Basha
D.No. 10, 6th Cross Modi Garden, K.B. Sandra,
R.T. Nagarn, Bangalore 560032 Now at Door
No. 3/196, Darga Road, BG Pudur Village,
Kallukurikki Post, Krishnagiri Taluk,
Krishnagiri Dist.
2. Ansar Basha
S/o. S.K. Dastagir Sahib
D.No. 10, 6th Cross Modi Garden, K.B. Sandra,
R.T. Nagarn, Bangalore 560032 Now at Door
No. 3/196, Darga Road, BG Pudur Village,
Kallukurikki Post, Krishnagiri Taluk,
Krishnagiri Dist.

..Petitioner(s)

Vs

1. Parveen
W/o. D.Saleem Basha
H.No. 51, 3rd Cross, ITC Colony, cox Town,
Jeevana Hallie, Bangalore 560005
2. Baseer Basha
S/o. S.K.Dastagir Sahib,
Door No. 3/195, B.G. Pudur Village,
Kallakurikki Post, Krishnagiri Taluk and Dist.
3. Saddiq Basha
S/o. D.Baseer Basha
Door No. 3/195, B.G. Pudur Village,
Kallakurikki Post, Krishnagiri Taluk and Dist.



4. The joint Register - 1
Krishnagiri Taluk and Dist.

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..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order and decreetal order in I.A No. 6/2024 in OS No.225/2019 on the file of Principal Sub Court, Krishnagiri and dated 30.06.2025.

For Petitioner(s): Ms.E.Yuvarani

For Respondent(s): Mr.S.Kamalesh for R1
R2 & R3 - No Appearance
Mr.C.Sathish,
Government Advocate For R4

ORDER

Challenging the impugned order passed in I.A.No.6 of 2024 in O.S.No.225 of 2019 by the learned Principal Sub-Judge, Krsihangiri, the Revision Petitioners/plaintiffs preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioners filed an application under Order 10 Rule 3 and Order 26 Rule 10 r/w Sec.151 of C.P.C., praying to send the signature of second attestor in the sale deed vide document No.221 of 2018 for comparison with the sale deed vide document No.483/2018 stating that on the date of alleged execution, the 2nd revision petitioner/2nd attesting witness was not available in that place and he was at Bangalore. The signature found in the said document has also been fabricated and he has not signed as a witness. Hence, he prayed to send the document to compare signature with the admitted



signature found in the sale deed dated 24.01.2018, which is contemporary in nature. The said application was objected by the defendants 1 and 2, who are purchasers of suit property. On hearing both sides, the trial judge has dismissed the application. Now, the case is ripe for trial and to drag on the proceedings, without giving any proper reason, the application was filed, besides there is no specific pleading with regard to the objection for the signature of 2nd revision petitioner. Therefore, the application was dismissed. Aggrieved over that, the revision petitioners/plaintiffs have preferred this Civil Revision Petition.

3.The learned counsel for Revision Petitioners/plaintiffs would submit that the revision petitioners are the 1st and 2nd plaintiffs, who filed the suit and in para 7 of plaint averment, the 2nd plaintiff has categorically stated that he has not signed in the document as an attesor and the sale deed dated 22.02.2018 is forged one. But, without considering the same, the trial judge erroneously dismissed the application. Hence, he prayed to set aside the findings of trial judge.

4. Heard and considered rival submissions made on either side and perused the materials available on record.

5. On seeing the facts, it reveals that along with the 1st plaintiff, the 2nd plaintiff came forward with the suit to cancel the sale deed dated 22.02.2018 vide Document No.483/2018, which was fraudulently obtained from the 1st plaintiff, who is his wife. On perusal of the plaint pleadings, the 2nd plaintiff has stated that he has not attested the said document. So, due opportunity is to be



given to them and the document is also to be sent to forensic lab to get the expert opinion. If such opportunity is not given, their right to defend the case will be defeated. But, the trial court failed to give such opportunity. Therefore, this Court is inclined to set aside the findings rendered in I.A.No.6 of 2024 in O.S.No.225 of 2019 by the Principal Sub-Judge, Krishnagiri. Accordingly, this Civil Revision Petition is allowed. The trial judge is directed to appoint an advocate commissioner to send the sale deed dated 22.02.2018 with the signature found in the sale deed dated 24.01.2018, which is a contemporary document to compare the signature of 2nd plaintiff to the forensic lab in order to get an expert opinion. Thereafter, the trial court is directed to proceed with the matter as per manner known to law. No costs. Consequently, connected civil miscellaneous petition is closed.

23-03-2026

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

RPP

To

1. The Principal Sub-Judge, Krishnagiri.
2. The joint Register – 1, Krishnagiri Taluk and District.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

RPP

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