



WEB COPY

OSA No. 36 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

OSA No. 36 of 2026

and

C.M.P.No.3856 of 2026

1.Tmt.A.Ponnazhagu
D/o Late.S.Azhagupalaniyappan,

2.Miss.Abirami
D/o.Late S.Azhagupalaniyappan

Both residing at
Plot No.243, S.R.P.Colony, 9th Street,
Perambur,
Chennai-600 082.

..Appellant(s)

Vs

1. Tmt.S.Ponnazhagu
2. Mr.S.Annamalai
3. Mr.S.Veera Alias Veerappan
4. Mrs.Meenal

..Respondent(s)

Prayer: Original Side Appeal filed under Order XXXVI Rule 9 of Rules of High Court 1994 R/W Clause 15 of Letters Patent, praying to set aside the order dated 14.11.2025 passed in Application No.5168 of 2025 in CS.No.880 of 2016.



For Appellant(s): Mr.M.Nandhakumar

For Respondent(s): Mr.B.K.Sreenivasan
(For R2 & R3)

JUDGMENT

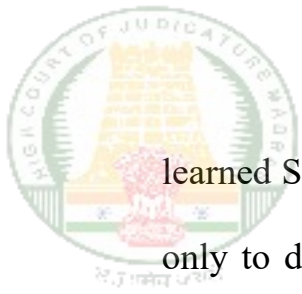
(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The Original Side Appeal has been filed to set aside the order dated 14.11.2025 passed in Application No.5168 of 2025 in CS.No.880 of 2016.

2. The learned counsel for the Caveator is also present before this Court.

3. The 2nd and 3rd defendants in C.S.No.880 of 2016, which had been instituted, seeking Partition and Separate Possession of the suit schedule property before this Court, have filed the present appeal questioning the order dated 14.11.2025 passed by the learned Single Judge of this Court in Application No.5168 of 2025. The said application had been filed by the appellants herein, seeking to forward a document for comparison of signatures found therein with the admitted signatures of the 2nd and 3rd plaintiffs.

4. It is contended that the said document was put up before P.W.1 and he had denied the same. Thereafter, the said application had been filed before the



learned Single Judge, who was of the opinion that the application had been filed only to drag on the proceedings and had stated that the document, having not been marked, cannot be sent for forensic examination of the signatures.

5. The learned counsel for the appellants stated that this Court should examine Paragraph No.5 of the said order and interfere with the same. However, the observations made by the learned Single Judge cannot be stated to lay down any ratio regarding either the veracity, or genuinity or relevancy of the said document. Additionally, the father had also filed a written statement. The appellants herein also filed a counter claim that the settlement deed executed by the father is null and void. All these issues will have to be decided during the course of trial.

6. We are not inclined to interfere with the order of the learned Single Judge. The learned counsel then stated that liberty should be granted to file a similar application at the appropriate stage. We cannot grant any such liberty. The parties will have to assess the proceedings and take appropriate steps, as and when required, to protect the interest of their clients.



7. In fine, the appeal stands dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

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(C.V.K.,J.) (K.B.,J.)
25-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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