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CRP(MD). No.215 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.215 of 2026
and
CMP(MD) No.854 of 2026**

1.D.Fathima Mary

2.Josepin Jaculin Mary

3.John Brito @ Peter

4.Josepin Mary

5.Vincent

... Petitioners

Vs

Amalraj

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A.No.16 of 2025 in O.S.No.71 of 2018 on the file of the Additional District Judge, Sivagangai dated 09-12-2025.

For Petitioners : Mr.R.Balakrishnan



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ORDER

The petitioners are the defendants 1 to 3, 6 and 7 in the suit in O.S.No.71 of 2018 on the file of the Additional District Court, Sivagangai.

2.The suit had been filed by the respondent/plaintiff for declaration and permanent injunction along with other reliefs. Pending suit, the petitioners filed I.A.No.16 of 2025 under Order 26 Rule 9 r/w Section 151 of CPC seeking to get an opinion from the handwriting expert by comparing the signature of one Kuzhanthaisamy found in the sale deed dated 03.02.1984 with the signature found in Ex.B2 and Ex.B3, dated 08.02.2002 and the resolution book, dated 28.03.2001. The said IA was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioners would submit that the signature of the said Kuzhanthaisamy found in the alleged Will is a forged one and in order to grab the suit property, the respondent has fabricated the Will and as such, it is necessary to verify the signature



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of the said Kuzhanthaisamy as sought for by the petitioners and to get an opinion from the expert. Hence, he prays for appropriate orders.

4.Heard the learned counsel for the petitioners. Since no adverse order is going to be passed in this petition against the respondent, notice to the respondent is dispensed with.

5.Admittedly, the petitioners have filed the present application seeking to obtain an opinion from the handwriting expert by comparing the signature of one Kuzhanthaisamy found in the sale deed, dated 03.02.1984, with the signature found in Ex.B2 and Ex.B3, dated 08.02.2002 as well as the resolution book, dated 28.03.2001. However, from the perusal of records, it is seen that the petitioners have not produced any contemporary documents containing the admitted signature of Kuzhanthaisamy.

6.The learned Judge has rightly found that the document, namely, the resolution book, dated 28.03.2001, is not the original document and it is only a xerox copy. Opinion from the handwriting expert, which cannot be obtained by comparing the signature in xerox copy with the disputed signature, has considerable force. It is to be



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noted that the admitted signature in original contemporaneous document can only be compared with the disputed signature for obtaining opinion from the handwriting expert.

7.In the present case, the petitioners prayed that the disputed signature be compared with the signature found in the xerox copy of the document. Xerox signature cannot be compared with the disputed signature to find out the genuineness of signature found in the subject Will. In view of the fact that the petitioners are seeking to obtain opinion from the handwriting expert by comparing the signature in the xerox copy, this Civil Revision Petition is liable to be dismissed as devoid of merits.

8.In fine, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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The Additional District Judge, Sivagangai



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N.SENTHILKUMAR, J.

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