



CRP(MD). No.3857 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 19.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3857 of 2025
and CMP(MD).No.20285 of 2025**

1.Dharmar
2.Mariyayee

... Petitioners

Vs

1.Jayamani
2.Meenambal

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 04.08.2025 passed by the I Additional District Court, Tiruchirapalli, in I.A.No.8 of 2024 in O.S.No.109 of 2018.

For Petitioners : Mr.S.Vinayak

For Respondents : Mr.K.S.Kathiravan

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 04.08.2025 passed by the I Additional District Court, Tiruchirappalli, in I.A.No.8 of 2024 in O.S.No.109 of 2018.

2.Heard the learned counsel appearing for the petitioners as well as the learned counsel for the respondents and perused the records.

1/5



WEB COPY

3.The said Interlocutory Application was filed seeking comparison of the signature of the plaintiff found in the sale deed dated 18.12.2006 with that found in the sale deed dated 07.09.2016.

4.The learned counsel for the revision petitioner contended that the signatures sought to be compared pertain to documents of the years 2006 and 2016, and such comparison cannot be permitted in the absence of contemporaneous documents. In support of the said contention, reliance was placed on the judgment of the Hon'ble Division Bench of this Court in the case of Central Bank of India Vs. Antony Hardware Mart, rep. by its Proprietor, reported in 2006 (3) CTC 39, wherein, it has been held as follows:

“9. At the outset, we want to point out that the Trial Court has committed an error in comparing the signatures in Ex.A-2 and Ex.A-5 with the admitted signature of the defendant in the Vakalath and written statement. In the judgment reported in 1999 (3) C.T.C. 156 (Somasundaram Vs. Palani) this Court has held as follows:

“Even though the Court may have the power to compare the signatures, there must be some admitted signature of the defendant, on the basis of which a comparison will have to be made. In this



case, a comparison has been made on the basis of signatures affixed by defendant in the vakalath and written statement, which are documents that have come into existence after the dispute arose, and after the promissory note in question was filed into Court along with plaint. A comparison should not have been made on the basis of those signatures. If that be so, it has to be held that the comparison was not made in accordance with law, even though the Court is empowered to make a comparison.”

It is settled law that the disputed signature can be compared with admitted signature, which were contemporaneous and not with the admitted signatures obtained subsequent to the date of the disputed signature. By lapse of time, there may be some difference in the signature of a person. Only based on that principle, the above said judgment has been rendered by the learned single Judge of this Court. Therefore, the Trial Court erred in comparing the signatures in Ex.A-2 and Ex.A-5 with the signatures found in the Vakalath and written statement of the defendant.”

5.Per contra, the learned counsel for the respondent submitted that both the documents contain the left thumb impression of the plaintiff, and therefore, there is no impediment to compare the thumb impressions available in the sale



CRP(MD). No.3857 of 2025

deeds dated 18.12.2006 and 07.09.2016.

WEB COPY

6.This Court is of the view that such a plea, particularly with regard to the comparison of thumb impressions, ought to be considered during the course of trial based on evidence adduced by the parties.

7.Accordingly, the order passed by the trial Court is set aside, and the Civil Revision Petition is allowed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

19.02.2026

TM

To

1.The I Additional District Judge, Tiruchirappalli.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD). No.3857 of 2025

N.SENTHILKUMAR, J.

TM

CRP(MD). No.3857 of 2025

19.02.2026