

IN THE COURT OF THE MUNSIFF OF ALATHUR

Present:- Smt. Anju Meera Birla, Munsiff

Friday, 27th day of January, 2017

7th day of Magha, 1938 S.E)

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INTERLOCUTORY APPLICATION No. 2311/2015

IN

ORIGINAL SUIT No.538/2014

1. Valsalakumari W/o Thankappan, Aged 58 years,
Anganvdi Teacher Residing at " Vlsalya", Kattukulam,
Tiruvilwamala Post, Trichur District
2. Sobha W/o Mohanan M. V. Aged 51 years,
Swastham, Residing at Madathil Vellattu House,
Varode Post, Kottayam, Alathur Taluk.

Vs.

1. Lalitha W/o Radhakrishnan Nair, Aged 63 years, Swastham, Residing at Govindha Bhavan, Panayur Post, Polpully Via, Taluk Chittur, Palakkad District-678552.
2. Bhagyaradha @ Radha W/o Narayanankutty, Aged 54 years, Anganwadi Helper, Residing at Illathukuriyil @ Ezhuvath House, Peringottukurissi Post, Alathur Taluk-678574. `
3. Suseela W/o Krishnanunni, Aged 61 years, Housewife, Residing at Sukrutham, Karikumarath House, Peringottukurissi Amsom desom, Alathur Taluk-678574. Respondents/
4. Vilasini W/o Sivdhasan, Aged 56 years, house wife, Defendants Residing at 1288B, 8th Cross street, Boombihar Nagar, Kolathur, Chennai 600 099.
5. The Managar, S.B. T. Kuzhalmannam, Kulzhalmannam Post, Alathur Taluk.
6. The Managar Punjab National Bank, Peringottukurissi Branch, Peringottukurissi Post, Alathur taluk.
7. The secretary, Peringottukurissi Service Co-operative Bank, Paruthipully Post, Alathur Taluk-678573.

This petition is coming on this day for final hearing before me in the presence of Sri. N.R. Venkitanarayanan, Advocate for the Petitioner/Plaintiff and of Sri. K.K.Appukuttan & Praveenkumar Advocate for the 1st and 2nd respondent/1st and 2nd defendant , 4th Respondent/defendant exparte V. Chendamarakshan Advocate for the 3rd and 5th respondent/defendant Sri. Raveendran Kunnampully Advocate for the 6th respondent, Sri. K.C. George Advocate for the 7th respondent and having stood over to this day for consideration this court passed the following.

ORDER

Petition filed under S. 45 of the Evidence Act.

2. Petition averments in short are as follows:- The petitioner is the first plaintiff in the suit filed for partition. The first and second defendants filed a written statement claiming that the deceased mother had executed a Will as per which defendants number one and two acquired right and title over plaint A schedule property and inherited the amounts shown in plaint B schedule. After refusing the document as per the order in I A 919/15, the plaintiffs are fully convinced that the alleged signatures contained in the alleged will is not that of the deceased mother in relation to which a rejoinder has been filed to the written statement of defendants number one and two. Hence the present petition to call for a scientific report of a handwriting expert by comparing the alleged signatures contained in the alleged Will produced by defendants No.1 and 2 with the admitted signatures of that of the deceased mother late Janki Amma alias Thankamma.

3. No counter is filed. Taking into account the fact that there is no counter and on the nature of the facts, the petition is allowed.

Dictated to Con.Asst., transcribed and typed by her, corrected and pronounced by me in open court this the 27th day of January, 2017.

Munsiff

Appendix-Nil

Munsiff

Fair/Copy of Judgment in IA 2311/15 in
O.S.538/14.

Dated : 27 - 01 – 2016