

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.

Wednesday, the 15th day of April 2026

I.A.No.10/2026

in

O.S.No.20/2020

CNR.No:TNCG01-000256-2020

C.Meenakshisundaram

...Petitioner/Plaintiff

-Vs.-

1.C.Viji @ Janakiraman

2. P.Padmanabhan

...Respondents/Defendants

This Petition coming before this court on 9.4.2026 for final hearing in the presence of M/s.P.S.Mohanakrishnan, P.Vinayagamoorthy and T.Ananth, counsel for the Petitioner/Plaintiff and M/s.T.Thanigaivel, M.Kaviyarasu, J.Tamilarasan and M.Vignesh, counsel for 2nd respondent and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This petition is filed under Section 39 of BSA r/w Order 29 Rule 10-
A read with Section 151 CPC to appoint an advocate commissioner to send

for sale agreement dated 7.3.2016 marked as Exhibit B2 to the forensic department for scientific examination by comparison of signature found in the stamp paper and green sheet and file a report from the forensic department.

1. The petition and counter perused.
2. Both sides heard.
3. The points for consideration:

Upon perusing the petition and counter this court has framed the following point for consideration

“Whether the petition is to be allowed as prayed for”?

4. Answer to the point:

The petitioner is the plaintiff in the original suit. The respondents are the defendants therein. The original suit was filed for the relief of cancellation of sale deed dated 7.3.2016. The respondents entered appearance and filed written statement after the settlement of issues and recording of evidence of both sides the case is posted for arguments. Moreover, the Hon’ble High Court has also directed this court to dispose of the suit within a specified time and direction is also pending. At this juncture, the present application is filed under Section 39 of BSA r/w section Order 26 Rule 10-A of CPC to appoint advocate commissioner to send for sale agreement dated 7.3.2016 to forensic science department for the comparison of signature found in stamp paper and green sheet and also get report from forensic department.

5. The main contention of the petitioner is that the respondents marked a sale agreement dated 7.3.2016 as Ex.B2 as if the petitioner executed the same in favor of the 2nd respondent. It is further contended that the signature in the 1st page of the document is not to that of the petitioner and the signature found in the green sheet attached with the document is alone to that of him. Moreover, the signature found in stamp paper and green sheet are different in inks. Therefore, in order to prove that Ex.B2 is fabricated it may be sent to forensic science department for comparison.

6. Per contra, the respondents submitted that the application is not maintainable since it is filed with frivolous, vexatious and false facts. PW1 in his cross examination has clearly admitted that he has known the entire averments stated in the written statement of the 2nd defendant. Moreover the sale deed dated 7.3.2016 is marked as Ex.A5 wherein at 3rd page it has been admitted that the petitioner received the entire sale consideration of Rs.32,75,000/-. Therefore, the petition is no way connected to prove any of the facts mentioned in the plaint. Therefore, the petition may be dismissed.

7. Having regard to the submissions of both sides, admittedly the original suit was filed for the relief of cancellation sale deed dated 7.3.2016 on the ground that it was obtained without concern and knowledge of the plaintiff. Even though the main suit is filed for declaration in respect of the sale deed dated 7.3.2016 the petitioner in this application seeks permission to send for the sale agreement dated 7.3.2016 alleged to have been executed by him in favour of the 2nd respondent/2nd defendant. What is

pertinent to be noted here is that the 2nd defendant in his written statement at para 5 has stated that before the registration of sale deed dated 7.3.2016, both the petitioner and the 2nd respondent had entered into an unregistered sale agreement dated 7.3.2016 and the sale consideration was fixed as Rs.32,75,000/- and the 2nd respondent paid a sum of Rs.31,75,000/- and balance consideration of Rs.1,00,000/- was paid at the time of sale deed dated 7.3.2016. Therefore, as per the case of the 2nd respondent on 7.3.2016 a sale agreement was made between himself and the petitioner. While so, the petitioner states that the signatures contained in the green sheet and the document are different in nature and more particularly he stated that both the documents were signed in different pen and ink. This court has also in naked eyes seen the documents. It seems that both the signatures and pen were found different. At the same time, it is well established principle of law it is not the duty of the court to compare the signature on its own without the help of experts except in extraordinary circumstances. In the case on hand, the petitioner contends that a signatures and inks are not matched with both of the documents. While so, this court is of the view that an opportunity may be given to the petitioner to disprove Ex.B2. Therefore, this court is inclined to allow the application.

8. In the result, the petition is allowed. Mr. Rahul (Enrol.no.6616/2020) advocate is appointed as advocate commissioner whose fee is fixed as Rs.10,000/- to be payable by the petitioner to him directly. The learned advocate commissioner shall receive Ex.B2 sale

agreement dated 7.3.2016 in a sealed cover from the registry of the court and he shall hand over the same to the forensic science department, Chennai for the comparisons of signatures. After the report is ready he shall receive the same from the said department in a sealed cover and handover it to the court. Moreover, the handwriting expert shall examine the signature found in the stamp paper and green sheet in Ex.B2 and give opinion as to whether both the signatures are tallied or one and the same and also the pen and ink used in the said documents are one and the same. No order has to cost.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 15th day of April 2026.

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and Witnesses: **Nil**

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I.A.No.10/2026 in
O.S.No.20/2020
Dated:15.04.2026
ADJ/CPT
