

**IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM**

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,  
District Munsif,Palladam.**

Tuesday the 16<sup>th</sup> day of December 2025

**EA No.3/2025 in EA No.12/2013**

**in EP. No.9/2012**

**in**

**OS No.1100/2008**

Selvaraj

...Petitioner/Respondent/Decree Holder

**/Vs/**

Tamilarasi

... Respondent/Petitioner/3rd party

This Petition is coming on 08.12.2025 for final hearing before me in the presence of Advocate Mr.S,Marimuthu, M.A.,B.L., for the Petitioner and Advocate Mr.P.Sakthivel, B.Sc.,M.L., for Respondent. Upon perusing the Petition, affidavit, counter statement and other connected materials on record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

**ORDER**

1) The petitioner filed the I.A.No.3/2025 petition Under order 16 Rule 1 of CPC to permit the petitioner to send the summon to the Sub-Registrar of Palladam to produce the Book 3 Register for the execution of the Registered Will vide document number 2/1991 and to produce Book 1 register for the execution of partition deed vide document number 2690/1990 with certified copy of the same and to give evidence to that effect.

**2. Brief averments of the petition filed by the petitioner:-**

The respondent/petitioner produced the xerox copy of the registered Will vide document number 2/1991, while she examined as PW1. The said Will was marked through the PW3 wherein the signature of the deceased Subramaniam where identified by the PW3 and the same was marked as ExP15 to Ex. P18. The petitioner have produced certified copy of the partition deed dated 25.09.1990 executed between his family members along with Xerox copy of the same, which was marked as Ex.R1, wherein the signature of the deceased Subramaniam is found from the page number 1 to 12. The signature found in Xerox copy of the will and the signature found in the partition deed dated 25.09.1990 are different each other which has to required to get expert opinion to identify the reality, for which the original signature found in the Book 3 register for the Registered Will No.2/1991 and the original signature found in the Book 1 register for the registered partition deed vide document number 2690/1990 maintained by the Sub Register Office, Palladam, Tiruppur District is required. Hence, this petitions.

**3. Brief averments of the counter filed by Respondent:-**

The averments of the petition affidavit that stage of this proceeding and Xerox copy of will was marked through the Pw3 as Ex.P15 to Ex.P18 is admitted. The petitioner has produced the certified copy of the partition deed 25.09.1990 executed between the family members along with Xerox copy of the same which was marked as Ex.R1 wherein the signature of the deceased Subramaniyam is found from the page number 1 to 12 is in correct, since alleged signature is only photo state copy. The petitioner failed, to give explanation while marking the said document for non production of original document. In this circumstances the signatures of Subramaniyam found in both Ex.P15 to Ex.P18 and Ex.R1 are being as Xerox in both the P and R series document

cannot be looked to send for any expert confirmation. Moreover the experts requires more than five signatures of admitted and disputed signatures in contemporaneous period, on that situation the petitioner sought the single signature of register no:3 with respect to the Will vide document no: 2/1991 and book no 1 vide document no 2690/1990 no way fulfill the purpose of comparison of signature. Hence, this petition are liable to be dismissed.

#### **4. Points for consideration:**

Whether this petition will be allowed or not ?

5. Heard both sides. No oral or documentary evidence is let in by both sides.

#### **6. Answer to the point :**

Materials on records perused. It is seen from the records the E.P. No.9/2012 has been filed by the petitioner for delivery of possession. The petition in E.A. No. 3/2025 has been filed by the Petitioner/Decree holder Under order 16 Rule 1 of CPC to permit the petitioner to send the summon to the Sub-Registrar of Palladam to produce the Book 3 Register for the execution of the Registered Will vide document number 2/1991 and to produce Book 1 register for the execution of partition deed vide document number 2690/1990 with certified copy of the same and to give evidence to that effect.

7. It is the contention of the petitioner is that the respondent herein has produced and marked the xerox copy of the Will dated 03.01.1991 and the petitioner had produced the certified copy of the partition deed dated 25.09.1990. The signatures found in the said documents are differed. Therefore, in order to compare the signature found in the Book 3 Register for the execution of the Registered Will vide document number 2/1991 dated 03.01.1991 with the

Book 1 register for the execution of partition deed vide document number 2690/1990 dated 25.09.1990, the same has to be produced before this court. Therefore, it is necessary to send for the said registers to enable for comparison. Hence, it is very essential for this case to send summons to the sub-registrar Palladam for the same.

8) It is the contention of the respondent is that it is true that the late Subramaniam was one of the party in execution of the partition deed dated 25.09.1990 which was executed between the family members. The petitioner failed to give explanation while marking the xerox copy of the Will before this court and the same has been proved by the respondent Under Section 63 of Indian Succession Act. Further, to compare the signatures by the experts it requires more than 5 signatures. To comparing the signature found in the said registers will not serve no purpose. Therefore, this petition is unnecessary and liable to be dismissed.

9) On considering the both side contentions and perusing the records it is found that the respondent/3rd party claimant had marked the xerox copy and certified of the Will dated 03.01.1990 in EA.No.12/2013 as exhibits. It is also admitted by the both sides the said will allegedly executed by the said Subramaniam was also participated as one of the party in the said partition deed dated 25.09.1990. The claim of the respondent herein had mainly based on the said Will dated 03.01.1990. But, the respondent had not produced the original of the said Will and one of the attesting witness also identified the signature found in Ex.P12 the xerox copy of the Will dated 03.01.1990 only.

10) The petitioner herein has every right to dispute the signature found in the photo stat copy. The petitioner and the respondent are admitting the

execution of the partition deed dated 25.09.1990 which was executed between the family members and also admitted that the said Subramaniam who allegedly executed the said Will was one of the party in the partition deed dated 25.09.1990. If the said Subramaniam was executed the Will which registered the same before the Sub-Registrar office Palladam, he definitely has affixed the thumb impression and signature before the Sub-Registrar office in the relevant registers. The said will and partition deed were executed within the same year of 1990 and the signatures are only within the contemporaneous period. Therefore, comparing the signatures found in the register 3 and register 1 for the said period will definitely will give the clear picture in this issue. Hence, this court is inclined to allow this petition.

**In the result**, this petition is allowed. No costs.

Dictated to Steno-Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 16<sup>th</sup> day of December 2025.

**District Munsif,  
Palladam.**

**Appendix:-**

**Petitioner's side Witness and Documents:-** Nil

**Respondent's side Witness and Documents:-** Nil

**District Munsif,  
Palladam.**