

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated the Wednesday of 4th Day of February 2026

I.A.No.12/2025 in OS.No.61/2012

(CNR.No.TNTR21-000057-2012)

...

1. Selvaraj

2. John

... Petitioners/Plaintiffs

/Versus/

1. Jeeva (died)

2. Reeta

3. Yoburaj

4. Chandra (died)

5. Kasturi

6. Sigamani (died)

7. Jayachandran

8. Marriammal (died)

9. Selvi

10. Naleena

11. Vinoth

12. Rajalakshmi

13. Keniyammal (died)

14. Lakshmi

... Respondents/Defendants

This petition came up before me for the final hearing on 22.01.2026 in the presence of M/s. V. Subramani, Advocate for Petitioners/Plaintiffs, R1, R4, R6, R8, R13 were died, M/s. C.A. Natarajan, Advocate for 7th Respondent/7th Defendant, R2, R3, R5, R9 to R12, R14 were set exparty in suit. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

The petition is filed by the petitioner under order 26 Rule 10A of CPC and Section 39 BSA to appoint a Advocate Commissioner to obtain expert opinion from the Finger Print Expert, Director of Forensic Science, No.30A, Kamarajar Salai, Mylapore, Chennai – 600 004 by comparing the finger print contained in the sale deed dated 12.05.2000 with the finger print contained in the written statement filed by 8th defendant in this suit and file a report.

1. **Petition averments in brief:-**

(a) The 7th defendant is contesting the suit by falsely saying that the

petitioners father Kannan, Mother Rajammal and sister Kasthuri have executed a sale deed dated 12.05.2000 in favour of him and registered before the SRO, Tiruttani. The petitioners denied the said allegations and stated that their mother Rajammal did not execute the said sale deed and did not go to the SRO, Tiruttani to register the said sale deed and that she was impersonated by the 8th defendant Mariammal as Rajammal.

(b) The said Mariammal also filed written statement by admitting the said fact, Mariammal put her left thump impression as that of the Left Thump impression of their mother Rajammal etc. Hence it is necessary to sent the original registered sale deed dated 12.05.2000 with the entries for registration containing the Left Thump impression of Mariammal put in the written statement filed by her before this court to have the conclusion whether the said left thump impression found in the said sale deed is that of said Rajammal or not. Hence this petition.

2. **Counter filed on behalf of the 7th respondent in brief:-**

(a) The allegations in para 3 of the affidavit that petitioners father Kannan, mother Rajammal and sister Kathuri have executed a sale deed dated 12.05.2000 and that they denied the contention is false. The suit properties are self acquired property of petitioners mother Rajammal and she sold the suit properties to 7th defendant for full and valid consideration and this respondent took possession on 12.05.2000 itself and the suit filed by the petitioner after 12 years. So the plea raised by the petitioners is barred by limitation. The petitioners have to take any defence within 3 years from the date of execution. So the question of plea raised is not valid in law and barred by law.

(b) The said documents executed by Rajammal, their father Kannan and also one attesor 8th defendant were died. The petitioners filed this petition with ulterior motive to get unlawful gain from 7th defendant against dead persons. So, this petition is highly belated. The said Marimmal filed written statement is false and it is not real one and she did not come to the court so far and she did not take any oath before this Hon'ble court. They should take any action before the death of executors. Hence this petition is liable to be dismissed.

3. **Point for determination:-**

Whether the petitioner is entitled to the relief as sought for? or not?

4. **Point:-**

Heard both sides. Record perused. According to the petitioners, 7th defendant is contesting the suit by falsely saying that the petitioners father Kannan, Mother Rajammal and sister Kasthuri have executed a sale deed dated 12.05.2000 in favour of him and registered before the SRO, Tiruttani. The petitioners deny the said allegations. In the written statement of 8th defendant, she admitted that she put her left thumb impression as impersonating of their mother Rajammal. Hence it is necessary to sent the original registered sale deed dated 12.05.2000 with the entries for registration containing the Left Thumb impression of Mariammal in the written statement to have the conclusion whether the said left thumb impression found in the said sale deed is that of said Rajammal or not. Hence the counsel for petitioners prays to allow the petition.

5. The 7th Respondent resisted the petition by contending that the suit properties are self acquired property of the petitioner's mother Rajammal and she sold the suit properties to 7th defendant and this respondent took possession on 12.05.2000 itself. The suit filed by the petitioner after 12 years. So the plea raised by them is barred by limitation. The said documents executed by Rajammal, their father Kannan and also one 8th attesor defendant were already died. The petitioners filed this petition with ulterior motive to get unlawful gain from 7th defendant. Hence, the counsel for respondent prays to dismiss the petition.

6. On perusal of records this case is pending for Plaintiff side further evidence. The main contention of the petitioners is that the 8th defendant Mariammal stated in her written statement that she put her left thumb impression as impersonating the said Rajammal. In this case it is alleged that the petitioners father Kannan, the 5th defendant Kasthuri, the said Rajammal executed the sale deed dated 12.05.2000. But the petitioners are not whisper about the signature of petitioner's father Kannan and sister Kasthuri who is the 5th defendant in this case. If the document is alleged to be forged one then what is the status of the signature of

Kannan and Kasthuri in the said sale deed. If originally the said sale deed is impersonated by the said 8th defendant Mariammal as Rajammal what way the said Kannan and Kasthur's signature were obtained in the said document was not explained by the petitioners. If originally Mariammal impersonated as Rajammal the said Kannan who is the husband and Kasthur who is the daughter of Rajammal would raise their objection at the time of execution of said sale deed. Further petitioners no way whisper about the signature/Thump impression of said Kannan and Kasthuri in this case. In this case only SRO copy of sale deed alone produced by the respondent and marked as Ex.A2. Further petitioners not produced any admitted Thump impression of said Rajammal in this case. Without producing the admitted Thump impression of said Rajammal, it is impossible to compare the Thump impression and come to the conclusion. Hence this court is of view that this petition has to be dismissed.

In the result this petition is dismissed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 4th day of February 2026.

District Munsif,
Tiruttani.

Petitioners and Respondent side Exhibits and Witnesses :- Nil

District Munsif,
Tiruttani.