

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE AT PUDUCHERRY

PRESENT: THIRU D.V. AANAND, M.A.,B.L.,
PRINCIPAL DISTRICT JUDGE

Friday, the 24th day of July, 2026

IA 06 and 07 of 2026 in O.S. 207 of 2021

Sampath

Petitioner/ Plaintiff

Vs.

1. Sacred Heart Charitable
Trust rep. By its trustees –
defendants 2 to 6
2. Jaya Santhosha Kumari
3. Mari Christine
4. Jayamary
5. Nirmala Charles
6. Roy Charles
7. Leo Charles
8. Pepin Charles
9. Rosali Charles

.... Respondents/Defendants

Final Hearing : 13.07.2026

Counsel for the Petitioner's : Thiru. Ilango Krishnamoorthy

Counsel for the 5th Respondent : Thiru. C.B. Vishnudasan

COMMON ORDER

1. Prayer:

Petition filed under Order XXVI Rule 10-A read with Section 151 of CPC, praying to order a scientific examination of Exhibit A1 along with the admitted signature of DW1's father found in Exs. A2 to A4 by comparing the disputed signature with the signature made by DW1's father in Exs. A2 to A4 of the same document, by appointing an Advocate Commissioner, and to reopen the

petitioner/plaintiff's side evidence for filing the necessary application under Order XXVI Rule 10-A read with Section 151 of CPC for the appointment of an Advocate Commissioner in the above suit.

2. The averments in the affidavit filed in support of the both petition in short as follows:

The petitioner is the plaintiff. The suit is posted for arguments. During the cross-examination of DW1 on 24.03.2026, he deposed that the signatures in Exs. A2 to A4 are not those of his father. DW1's father, Charlesraj, had signed the agreement acknowledging the receipt of ₹1,25,00,000/- out of the sale consideration of ₹2,80,00,000/-. DW1 has categorically denied the signatures of his father. Hence, it becomes necessary to obtain an expert opinion by comparing the admitted signature of Charlesraj with the disputed signatures in Exs. A2 to A4. It is, therefore, prayed to reopen the case of the petitioner and send the disputed documents to the expert for comparison.

3. The common counter filed by the 5th respondent in short as follows:

The petition is not maintainable. The petition is liable to be dismissed. The petition has been filed belatedly. The petitioner is attempting to fill up the lacunae in the case. The petitioner cannot be permitted to adduce fresh evidence. It is, therefore, prayed to dismiss the petition.

4. The Point for consideration:

Whether the plaintiff's case is to be reopen and to send the signature in disputed document to the hand writing expert to compare with the signature in the admitted document?

5. On point:

5.1 The petitioner has filed the suit for specific performance of the contract. According to the petitioner, the A Schedule property originally belonged to Ellammal by virtue of a sale deed dated 17.10.1973. The first item of the B Schedule property belongs to the 9th defendant by virtue of a sale deed dated 09.08.2007. The second item of the B Schedule property belongs to the 1st defendant Trust by virtue of a sale deed dated 08.03.2004.

5.2 A sale agreement came into existence between the plaintiff and Charlesraj on 28.01.2018. The sale consideration was fixed at ₹2,50,00,000/-. The said Charlesraj received a sum of ₹1,25,00,000/- on various occasions. Later, Charlesraj died on 24.09.2021, leaving the defendants to succeed to his estate. After the filing of the written statement, issues were framed on 06.12.2022. The first issue is whether the suit sale agreement dated 22.01.2018 is true, valid, and enforceable. The second issue is whether it is true that the plaintiff paid ₹1,25,00,000/- as advance, as alleged by the plaintiff. The burden of proving the above issues is on the plaintiff.

5.3 The petitioner/plaintiff examined two witnesses on his side. On the side of the defendants, DW1 was examined, who is the son of the said Charlesraj. In his cross-examination, DW1 categorically denied the signatures of his father in Exs. A2 to A4, wherein his father is stated to have signed. If DW1 had admitted the signatures, it would have amounted to an admission, and the plaintiff would have been relieved of the burden of proving Issue No. 2. Since DW1 denied the signatures of his father, the burden of proof is heavier on the plaintiff to prove the payment of a

sum of ₹1,25,00,000/- to Charlesraj. Even though the plaintiff's evidence has been completed and the defendants' evidence has also been completed, the plaintiff is entitled to let in rebuttal evidence. In order to provide an opportunity to rebut the evidence of the defendants, the plaintiff's case shall be reopened, and the disputed signatures in the documents shall be sent to a handwriting expert for obtaining an opinion.

In the result, petition is allowed with costs. The plaintiff's case is reopened. The disputed signature in Ex. A1 and the admitted signature in Ex. A2 to A4 shall be sent to The Government Examiner, Forensic Science Laboratory, Forensic House, Chennai-4 for comparison and report. The documents shall be taken by an advocate commissioner and shall be handed over to the expert and to get it back along with the opinion of the expert. His remuneration is fixed at ₹ 5000/- to be payable to the Advocate Commissioner directly. The Handwriting Expert shall compare the disputed signature in Ex. A1 along with admitted signature in Ex. A2 to A4 and to give his opinion, whether the disputed signature was signed by the person who sign the admitted signature. Advocate Thiru. Basheer Ahamed (Enrollment No. M.S.No.1666/2017 and Mobile number 9626086463) is appointed as Advocate Commissioner.

Typed to my dictation, corrected and pronounced by me in the open Court on this the 24th day of July, 2026.

(D.V. AANAND)
PRINCIPAL DISTRICT JUDGE
PONDICHERRY.