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CRP No. 5587 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5587 of 2025 and CMP Nos.30695 and 28046 of 2025

1. K.Jeyasekar

S/o.Kanagaraj Nadar, No.8/2939-A,
Karuparayan Koil, 3rd Street, Near Water
Tank, P.N. Road, Pandiyan Nagar,
Pooluvapatti Post, Tirupur.

Petitioner(s)

Vs

1. J. Peter Jayaraj

S/o.Jeya Singh, New.No.8/2909,
Karuparrayan Koil, 3rd Street, P.N. Road,
Pandiyan Nagar, Pooluvapatti Post, Tirupur.

2.N. Ravichandran

S/o. Nataraj Chettiar, No.7, 3rd Street,
S.V.Colony, P.N. Road, Tirupur Town

3.The Sub Registrar

Joint I-Tirupur, District Registrar Office,
Tirupur District.

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed by the II Additional District and Sessions Judge, Tiruppur in I.A.No.6 of 2025 in O.S.No.209 of 2017 dated 19.07.2025.



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For Petitioner(s): J.Franklin
For Respondent(s): R.1 – No appearance
M/s.P.Govindarasan
For R.2
Mr.A.Anandan
Govt.Advocate
For R.3

ORDER

Challenging the order passed in I.A.No.6 of 2025 in O.S.No.209 of 2017, the plaintiff has filed the above revision.

2. Before the trial Court, the plaintiff filed an application in I.A.No.6 of 2025 under Section 45 of Indian Evidence Act to send the original Power of Attorney dated 19.04.2002 to compare with admitted signature and thumb impression found in RC Book of Ashok Layland Lorry bearing No.TN 29 A8247 to obtain the expert opinion. The same was objected by the respondents/defendants. On hearing both sides, the trial Court dismissed the application holding that the petitioner/plaintiff has already filed a petition to obtain expert opinion and the same was dismissed. Thereafter, he came forward with the present application, seeking for the same relief and further held that the petitioner has not taken any steps to challenge the dismissal of the earlier application by way of revision and instead, filing the present application after 7 years, that too, at the time of examination of P.W.1 in chief, is not permissible. Aggrieved by the same, the



plaintiff has preferred the present revision.

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3. Learned counsel for the revision petitioner/plaintiff submits that admittedly earlier he filed a petition in I.A.No.1364 of 2018 for the same relief and the same was dismissed and since other interlocutory applications were allowed, the petitioner/plaintiff could not proceed and he is not able to comply with the order. However, learned counsel submits that still the revision petitioner/plaintiff is having valid defence to disprove that the thumb impression found in the Power of Attorney does not belong to him and to compare the same he is having RC Book of Ashok Layland Lorry bearing No.TN 29 A 8247 and also the original sale deed dated 30.09.2016 which contains the thumb impression and to compare the thumb impression along with the power of attorney, now he has taken steps, but the trial court has not given such opportunity.

4. Learned counsel for the respondents raised strong objection stating that already the revision petitioner/plaintiff approached for the same relief and the same was dismissed by the court and said order has not been challenged. Again, the revision petitioner/plaintiff has come forward for the same relief, as such, is not maintainable. Learned counsel further submits that at the time of cross examination of P.W.1. the

revision petitioner/plaintiff filed application and therefore, the trial court has rightly dismissed the application which warrants no interference.

5. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. The fact reveals that already the revision petitioner/plaintiff filed an application in I.A.No.1364 of 2018 seeking a direction to the respondents to produce the documents mentioned in the petition which are the Thumb Impression Book relating to the General Power of Attorney Deed dated 19.04.2002 before the Joint I Sub Registrar Office at Tiruppur and the Original Registered General Power of Attorney Deed dated 19.04.2002 for comparison of Thumb Impression and Signature of the Petitioner by a Forensic Handwriting Expert and to give evidence thereof and the same was dismissed. Thereafter, he has not taken any steps for comparison. Now, again he has filed application in I.A.No.6 of 2025 for the same relief.

7. As on date, the revision petitioner/plaintiff seeks to send the original Power of Attorney dated 19.04.2002 to compare with the admitted signature and Thumb Impression found in RC Book of Ashok Layland Lorry bearing No.TN 29 A 8247 and



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the Sale Deed to obtain the expert opinion. Further, considering the prayer sought for in the plaint, the revision petitioner/plaintiff seeks to declare the General Power of Attorney dated 19.04.2002 as null and void and not binding the plaintiff and he has challenged the power of attorney by raising various allegations. To prove his defence, an expert's opinion is just and necessary, otherwise, his valuable right of defence in the case will be defeated. Therefore, giving one more opportunity to the revision petitioner/plaintiff would not prejudice to any of the parties, at the most, it will help the Court to decide the adjudicating issue between the parties.

8. In the light of the above, the order passed in I.A.No.6 of 2025 dated 19.07.2025 is set aside and the civil revision petition is allowed. The trial Court is directed to appoint an Advocate Commissioner and get the Report within two months from the date of receipt of a copy of this order and the trial court is further directed to dispose of O.S.No.209 of 2017 on merits and in accordance with law within a period of four months thereafter.

9. No costs. Consequently, connected miscellaneous petitions are closed.

28.04.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order



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T.V.THAMILSELVI.,J

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To

The II Additional District and Sessions Court, Tiruppur

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