



WEB COPY

A.No.1294 of
and T.O.S.No.76 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM:

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A.No.1294 of 2026
and T.O.S.No.76 of 2024

Srinivasan Venkata Metta,
S/o Late Pichiah Sharma Metta

..Plaintiff

Vs

1. K.V.G.Krishnamoorthy
2. S.Subbaramaiah
3. Smt.V.Ammani

..Defendants

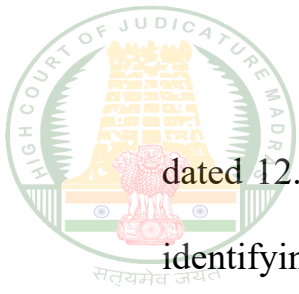
PRAYER in 1294 of 2026: Application filed under Order XIV Rule 8 of O.S. Rules read with Section 69 of Indian Evidence Act and 281 of Indian Succession Act to permit the examination of third party witness, Ms.S.Shyamala, Advocate, who drafted the Will and Sale Deed, for the purpose of identifying the signature of the testator in the Will.

For Applicant: M/s.V.Pavel

For Respondents: Mr.O.Padmaprakash

ORDER

This application has been filed by the plaintiff seeking permission to examine Ms.S. Shyamala, Advocate, who is stated to have drafted the Will



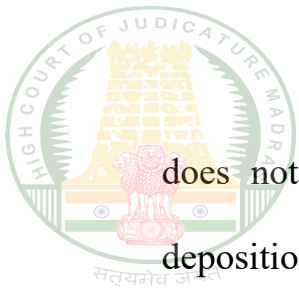
dated 12.05.1999 and the Sale Deed relating to the testator, for the purpose of identifying the signature of the testator and speaking to the circumstances within her knowledge.

2. The plaintiff states that the two attesting witnesses to the Will are not traceable and that the proposed witness had drafted the Will, was acquainted with the testator and can identify his signature. Ms.S.Shyamala has also filed an affidavit stating that she had drafted the Will on the instructions of the testator and had accompanied the transaction relating to its registration.

3. The defendants oppose the application on the ground that Ms.S.Shyamala had throughout been counselling the plaintiff, was present during the cross-examination of P.W.1 and had allegedly participated in the proceedings on the plaintiff's side.

4. The records, however, do not disclose that Ms.S.Shyamala has filed a vakalat or entered appearance as counsel for the plaintiff. The application itself has been presented through M/s. V. Pavel, K. Vijay Anand, V. Haritha and Chaitanya Kosuri. The deposition of P.W.I also records that his chief-examination was conducted by Mr. V. Pavel.

5. The mere allegation that the proposed witness had advised or counselled the plaintiff, or was present during the cross-examination of P.W.I,



does not by itself render her incompetent to testify. On a perusal of the deposition of P.W.1, no material is found which would justify excluding her evidence at the threshold. Whether her prior involvement affects the weight or credibility of her testimony is a matter to be tested in cross-examination and considered at the final stage.

6. A scribe is not disqualified from being examined as a witness. The proposed witness may depose to facts within her personal knowledge, including the preparation of the Will, the instructions received from the testator, the circumstances witnessed by her and her acquaintance with the testator's signature. The admissibility, scope, sufficiency and evidentiary value of her testimony, particularly with reference to the statutory requirements for proof of the Will, are left open.

7. Accordingly, this application is allowed. The learned Additional Master – II shall fix a date for her examination and complete the same expeditiously. No costs.

23-07-2026

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DR.A.D.MARIA CLETE J.,

sts

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Order made in
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