



WEB COPY

A No. 1632 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2026

CORAM

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

A No. 1632 of 2026

AND

TOS NO. 45 OF 1987

1. Dr..V.T.Pugalendhi and another
Both residing at
No.55, Gajapathy Street,
Shenoy Nagar,
Chennai 600 030.
2. Mr.V.T.Varadarajan
Chennai

..Applicant(s)

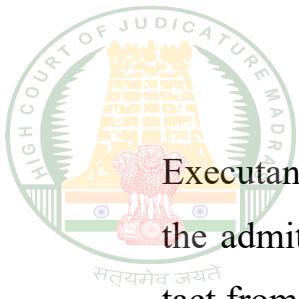
Vs

1. DR.V.NAMBI, and another
16 Sixth Cross Street,
C.I.T.Colony,
Chennai 600 004.
2. P.Senthil
5, Chellammal Street,
Shenoy Nagar, Chennai 600 030.

..Respondent(s)

Prayer in A No. 1632 of 2026:

Petition filed under Order XIV Rule 1 of OS.Rules r/w Order 26 Rule 10A of CPC, 1908, praying to appoint an Advocate Commissioner for receiving the documents Exhibits P-11, D1, D-9 and D10 from this Honble Court and to hand over the same to Directorate of Forensic Sciences Department, Block No.9, 8th Floor, CFO Complex, Lodhi Road, New Delhi 110 003 to give their expert opinion with regard to the signatures of the



Executant Late Tmt.V.Radha in each page of Exhibit P11, by comparing with the admitted signatures in Ex.D1, D9 and D10 and get back the documents in tact from the Handwriting Expert and to return the same to this Court along with the Handwriting experts opinion and report.

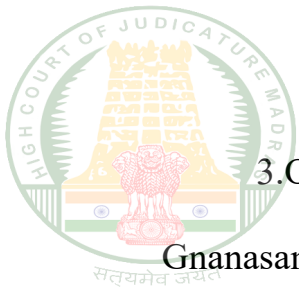
For Applicant(s): M/s. A.Babu

For Respondent(s): M/S.C.,Ramesh

ORDER

This application has been filed by defendants 4 and 5 under Order XIV Rule 8 of the Original Side Rules read with Order XXVI Rule 10-A CPC, seeking appointment of an Advocate Commissioner to forward Exs.P11, D1, D9 and D10 to the Directorate of Forensic Sciences, New Delhi, for a fresh opinion regarding the disputed signatures of late Tmt. V. Radha in Ex.P11 Will dated 02.11.1985.

2.Earlier, at the instance of the applicants, A.No.3704 of 2023 was allowed on 18.04.2024 and the disputed Will and documents containing the admitted signatures of the testatrix were forwarded to the Forensic Sciences Department, Chennai. The expert submitted a reasoned report, marked as Ex.C1, opining that the admitted and questioned signatures were written by the same person.

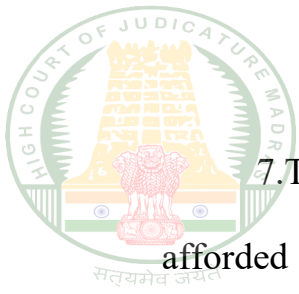


3. On a further application filed by the applicants, the expert, Mr. G. Gnanasambandan, was examined as C.W.1 and extensively cross-examined. His cross-examination was completed on 05.02.2026 and Ex.C2 was also marked.

4. The present request is mainly based on the contention that the expert did not use a Video Spectral Comparator and relied upon visual comparison, enlargement, juxtaposition charts and magnification. The expert, however, explained that such equipment was unnecessary for the nature of the signature comparison involved and that photography and magnification were sufficient.

5. The respondent filed the counter and oppose the petition by stating that party cannot be permitted to seek repeated forensic examination as a matter of right especially when an expert opinion has been obtained and especially when the expert was cross examined in detail on the forensic report and seeks to dismiss the application.

6. Order XXVI Rule 10-A CPC confers a discretion upon the Court to order scientific investigation where it is necessary for deciding the dispute. It does not confer a right upon a party to seek successive expert opinions merely because the earlier opinion is unfavourable.



7.The applicants had already obtained the forensic examination and were afforded full opportunity to test the report and the methodology through cross-examination.

8.The correctness and evidentiary value of Exs.C1 and C2 and the testimony of C.W.1 are matters to be considered at the final disposal of the suit.

9.Accordingly, the application in A.No.1632 of 2026 is **dismissed**. There shall be no order as to costs.

JRS

31-07-2026



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DR.A.D.MARIA CLETE J.

JRS

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