

In the High Court of Judicature at Madras

Dated: 23.12.2014

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice M.SATHYANARAYANAN

Original Side Appeal No. 278 of 2014

S. Dorairaj (deceased)
by legal representatives

1. D. Udayakumar
2. D. Rajendran
3. D. Ramesh Babu
4. Manjula Raviraj
5. R. Prasad
6. R. Prasanna
7. Rajeswari
8. R. Vijayakumari
9. S. Umarani

... Appellants

vs.

1. S. Balasubramaniam
2. K. Vijayalakshmi
3. K. Kumaran
- Rep by his Power of Attorney
Agent K.Vijayalakshmi
4. K. Manjula

.. Respondents

Prayer: Original Side Appeal filed under Order XXXVI, Rule of Original Side Rules read with Clause 15 of the Letters Patent, to set aside the order and decree dated 13.03.2013 passed by the learned Single Judge, in Application No.961 of 2013 in T.O.S. No.5 of 2012 on the file of this Court praying this Court to pass an order appointing the Director, Forensic Department, Government of Tamil Nadu, Mylapore, Chennai-4 as hand writing expert for the purpose of comparing the signature of the deceased Saradhambal.

For Appellants : Mr. T.V. Ramanujam, Sr. Counsel
for Mr. V.G. Suresh Kumar

For Respondents : Mr. S. Sampath for R1 in OSASR Stage

J U D G M E N T
(Made by The Hon'ble The Chief Justice)

Heard the learned counsel for the parties.

2. It is agreed as under:

1. The evidence of the petitioner and the attesting witnesses, inclusive of cross examination, be completed first and thereafter, the impugned order can be given effect to;
2. Mr.V.Vasanthakumar, Advocate, having Office at Chamber Nos.22 and 23, III Floor, Andhra Insurance Building, No.323, Thambu Chetty Street, Chennai 600 001 (Mobile No.9443799510), is appointed as Local Commissioner to take the Original Will along with the Marked documents Exs.A8 to A13 (as pleaded by the learned counsel for the first respondent) for comparison of signatures to the Forensic Department and thereafter, they will be redeposited with the Registry.
3. The fee of the Local Commissioner is fixed at Rs.25,000/- apart from and out of pocket expenses, to be borne by the first respondent.
3. The Original Side Appeal accordingly stands disposed of. No costs.

Sd/-
Assistant Registrar
Dated:6.1.15

True Copy

Sub Assistant Registrar

To

1.The Sub Assistant Registrar,
Original Side,
High Court,Madras.

2.Mr.V.Vasanthakumar,Advocate
No.22 and 23, III Floor,
Andhra Insurance Building,
NO.323 Thambu Chetty Street,
Chennai-600 001.(Mobile No.9443799510)

+1 cc to M/s.V.G.Suresh Kumar,Advocate,SR.63553.

mp(co)
krd 6/1

O.S.A. No. 278 of 2014