

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.3039 and 3195 of 2016

Common Order:

Both these revisions arise out of the dismissal of two applications, one for reopening the suit and another for sending Exs.A-1, B-1 and B-2 Wills for the opinion of the handwriting expert.

2. Heard Mr. Kowturu Vinaya Kumar, learned counsel for the petitioner.

3. In two different suits, both parties have set up two different Wills. The execution of the Will has to be proved in accordance with the mandate of Sections 67 and 68 of the Indian Evidence Act, 1872. Therefore, the question of referring the Wills to the handwriting expert under Section 45 of the Indian Evidence Act does not arise. Hence, leaving it open to the petitioners to prove their own Will and allowing the parties to prove their respective Wills in accordance with the provisions of the Indian Evidence Act, these revisions are dismissed. The miscellaneous petitions, if any, pending in these revisions shall stand closed.

No costs.

V.RAMASUBRAMANIAN, J.

05th August, 2016.

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