

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.3849 of 2017

ORDER:

This revision is filed by the plaintiffs in a suit for partition challenging the order of the trial Court refusing to refer a Will set up by the defendant to a Handwriting expert.

2. Heard Mr. V. Subramanyam, learned counsel for the petitioners.

3. The trial Court pointed out that the Will is dated 12-05-2005. The signature in the Will is disputed by the petitioners. The petitioners want the Will to be referred to a Handwriting Expert along with the signatures formed in the School Certificates of the testator and also the signature found in the gift deed of the year 2002.

4. But as rightly pointed out by the trial Court, the signature in the Will of the year 2005 cannot be compared with the signatures in the School Certificates of the years 1960 and 1967. The gift deed of the year 2002 was an unregistered document. In any case, the petitioners cannot even mark the same in evidence.

5. In a suit for partition, if a defendant sets up a Will, it is for him to establish the truth and validity of the Will. The learned counsel for the petitioner invited my attention to the signatures in the unregistered gift deed and contended that the signatures are completely at variance.

6. If that is so, the document does not require examination by an expert. What is so glaring need not be confused by an expert. Therefore, the Civil Revision Petition is dismissed. It is open to the

petitioner to adduce other evidence to show that the signature in the Will is not with that of the testator/testatrix. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 04-08-2017

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