

A.Nos.3348 and 3349 of 2019
in
T.O.S.No.25 of 2014

R.SUBRAMANIAN,J.

These applications have been filed seeking to re-open the evidence of PW2 and to re-call PW2 only to mark the death certificate of the deceased M.Dhanapal, who according to the applicant was one of the attesting witnesses to the Will.

2. Mr.Vimal B.Crimson, learned counsel appearing for the respondents would vehemently oppose these applications contending that the death certificate is a fabricated document and it has been created.

3. The death certificate that is sought to be produced is a document which has been downloaded from the Website of the Chennai Corporation. Therefore, the same should be presumed to be *prima facie* genuine until the contrary is proved. Hence, I don't see any merits in the objection of the learned counsel for the respondents.

4. Considering the fact that the Testamentary Original Suit revolves around the execution of the Will by the Testator, the applicant

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dsa

should be given an opportunity to prove that both the attesting witnesses were not alive when the evidence was taken in the Testamentary Original Suit.

5. In view of the same, with a view to advance cause of justice, both the applications are allowed. The evidence of PW2 is re-opened and PW2 is re-called only for the purpose of marking the death certificate of M.Dhanapal.

6. The Registry is directed to post the matter before the learned Additional Master - IV on 17.06.2019.

dsa

07.06.2019

सत्यमेव जयते

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