

A.No.4732 of 2019 in
T.O.S.No.1 of 2018

K.KALYANASUNDARAM.,J

This application has been filed to appoint an Advocate Commissioner to receive the original Will dated 27.11.2007 along with 1) Settlement Deed dated 10.01.2008, 2) Passport, dated 19.06.2007 and 3) Two Rental Agreements dated 23.09.2010 and 01.11.2010 of Late G.Bhuvarahan for verification of the disputed signature found in the Will document, marked by P.W.1 and compare the signature in the admitted documents as mentioned above to the Forensic Department and to submit a report.

2. Heard the learned counsel for the applicants and the learned counsel for the respondents and perused the materials available on record.

3. O.P.No.882 of 2017 was filed by the first respondent / plaintiff under Sections 232 and 276 of the Indian Succession Act for grant of Letters of Administration with the Will annexed. Since it was opposed by the respondents therein, the same has been converted as T.O.S.No.1 of 2018. In the written statement filed by the defendants 1 to 4, it has been categorically stated that the signatures in the Will are forged and it was not executed by the testator.

However, till the commencement of the trial, the plaintiff has not taken steps to get the expert opinion. It seems that after commencement of the trial and examination of PW1, this application has been filed by the defendants 1 and 2 to get the opinion of handwriting expert.

4. The learned counsel for the applicants / defendants would state that the applicants have already filed documents containing the admitted signatures of the testator. Hence, unless opinion is obtained from the experts, the applicants would be seriously prejudiced and on the other hand, it will help the Court to decide the issue in a fair manner.

5. Per contra, the learned counsel for the respondent / plaintiff would state that she has no intention to grab the property as alleged by the defendants and the Will dated 27.11.2007 is genuine and the execution would be proved during the trial. It is further submitted that if at all the Will have to be send for opinion of handwriting expert not to a Forensic Department.

6. It is true that the defendant has come up with this application belatedly seeking opinion of expert. However, considering the stand taken by him in the written statement, it would be appropriate to call for a report of hand writing expert to meet the ends of justice.

7. In the light of the above facts, Mr.S.Sidhartha Vishnu (Mobile No.9840605450) and Mrs.K.E.Sri Krishna Priya (Mobile No.9344335165) [Kriish Law Associates, No.337 (Old No.164) No.S-4A, Singapore Plaza, 3rd Floor, Linghi Chetty Street, Chennai - 600 001] are appointed as Advocate Commissioners and they are directed to get the following documents, viz., 1) Will, 2) Settlement Deed dated 10.01.2008, 3) Passport, dated 19.06.2007 and 4) Two Rental Agreements, dated 23.09.2010 and 01.11.2010 of Late G.Bhuvarahan and submit the same to the Forensic Department to get opinion of hand writing expert by comparing the signatures found in the Will and other documents. After getting report from the Forensic Department, Advocate Commissioners shall file the same before this Court on or before 30.10.2019. The initial remuneration of the Advocate Commissioners is fixed at Rs. 30,000/-, (Rupees Thirty Thousand only), which shall be payable by the applicants / defendants forthwith.

8. Post the matter on 04.11.2019

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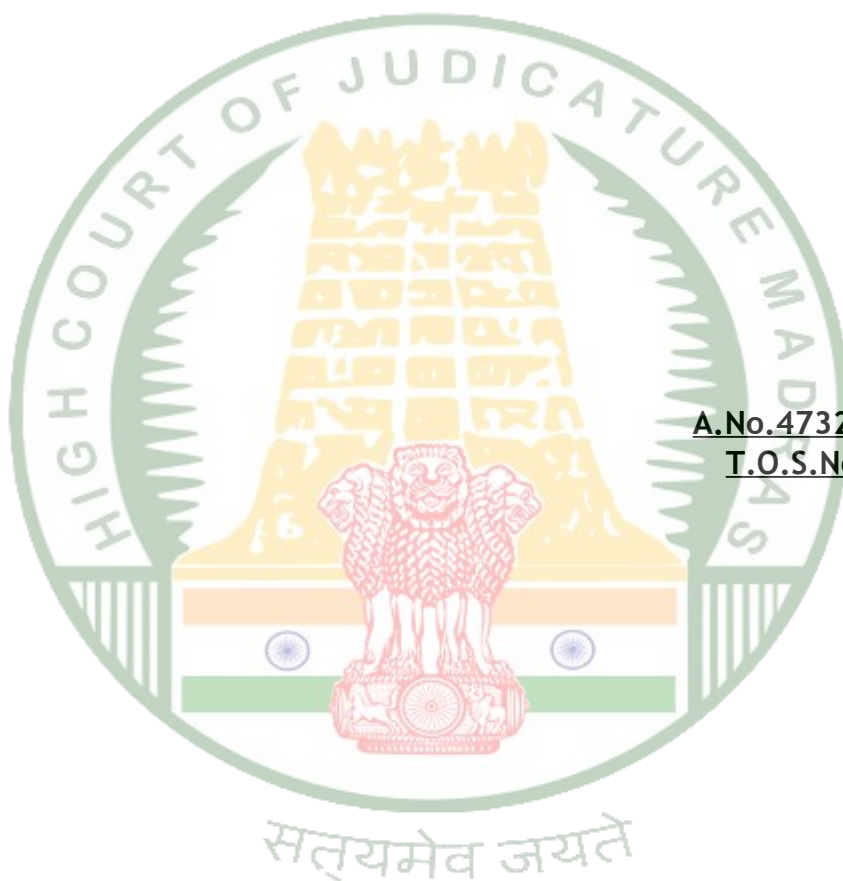
16.09.2019

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Note: Issue warrant on 17.09.2019

K.KALYANASUNDARAM.,J

r n s



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