

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 10TH DAY OF DECEMBER 2019

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.9572 of 2019

in

A.No.4732 of 2019

in

T.O.S.No.1 of 2018

In the matter of Indian
Succession Act,XXXIX of 1925,
and
In the matter of the Last Will
& Testament of
MR.G.BHUVARAHAN-DECEASED.

T.O.S.No.1 of 2018:

1. SMT.AKILA VIJAYAKUMAR
W/o.Sri Vijayakumar No.1,
Maharaja Surya Road, Alwarpet,
Chennai-600018.

...PLAINTIFF

-VS-

1.SMT.SARASWATHY BHUVARAHAN
W/o.Late Sri.G.Bhuvarahan,
Old No.6A, Sriman Srinivasan Road,
Venus Colony, Alwarpet,
Chennai-600018.

2. SMT.UMA RAVI
W/o.Sri.Ravishankar,
Old No.94,
4th Street, Abiramapuram,
Chennai-600018.

3. SMT.SRILATHA
W/o.Sri.Tamilselvam,
No.15, 1st Cross Street,
Natesan Nagar,
Pondicherry-5.

4. SMT.SRISUDHA GNANAPRAKASAM
W/o.Sri.Gnanaprakasam,
No.25/19F, Dr.Moorthy Road,
Kumbakonam-612001.

..DEFENDANTS

A.NO.4732 OF 2019:

1.SMT.SARASWATHY BHUVARAHAN
W/o.Late Sri.G.Bhuvarahan,
Old No.6A, Sriman Srinivasan Road,
Venus Colony, Alwarpet,
Chennai-600018.

2. SMT.UMA RAVI
W/o.Sri.Ravishankar,
Old No.94,
4th Street, Abiramapuram,
Chennai-600018.

..APPLICANTS/DEFENDANTS 1 AND 2

-VS-

1. SMT.AKILA VIJAYAKUMAR
W/o.Sri Vijayakumar,
No.1,Maharaja Surya Road,
Alwarpet,
Chennai-600018.

..RESPONDENT -1/PLAINTIFF

2. SMT.SRILATHA
W/o.Sri.Tamilselvam,
No.15, 1st Cross Street,
Natesan Nagar,
Pondicherry-5.

3. SMT.SRISUDHA GNANAPRAKASAM
W/o.Sri.Gnanaprakasam,
No.25/19F,Dr.Moorthy Road,
Kumbakonam-612001.

..RESPONDENTS/DEFENDANTS 3 AND 4

A.NO.9572 OF 2019:

1. SMT.AKILA VIJAYAKUMAR
W/o.Sri Vijayakumar No.1,
Maharaja Surya Road, Alwarpet,
Chennai-600018.

..APPLICANT/PLAINTIFF

-VS-

1.SMT.SARASWATHY BHUVARAHAN
W/o.Late Sri.G.Bhuvarahan,
Old No.6A, Sriman Srinivasan Road,
Venus Colony, Alwarpet,
Chennai-600018.

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W/o.Sri.Ravishankar,
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Natesan Nagar,
Pondicherry-5.

4. SMT.SRISUDHA GNANAPRAKASAM
W/o.Sri.Gnanaprakasam,
No.25/19F,Dr.Moorthy Road,
Kumbakonam-612001.

..RESPONDENTS/DEFENDANTS

Application praying that this Hon'ble Court be pleased to permit the petitioner and her counsel to peruse the originals sent to the Document Expert, Forensic Department, Mylapore Chennai 600 004 for verification of signature of petitioner's late father Sri.G.Bhuvarahan absence of the Respondent and her counsel to enable the petitioner to file her objection thereafter.

This application coming on this day before this court for hearing the court made the following order:

This application is filed for permission to the applicant/plaintiff and her counsel to peruse the originals sent to the Document Expert, Forensic Department, Mylapore, Chennai-600 004, for verification of the signature of the applicant/plaintiff's father late Sri G.Bhuvarahan so as to enable the petitioner to file her objections.

2. I heard the learned counsel for the applicant/plaintiff and the learned counsel for the respondents/defendants.

3. The learned counsel for the applicant submitted that a memo was served on the counsel for the respondents for permission to peruse the documents in their presence, but the said request was not accepted on the basis that the permission of the client has to be obtained. She further submitted that unless the respondent and the counsel for

the respondent permitted are to peruse the originals, she would not be in a position to file objections to the report.

4. The learned counsel for the respondents 1 and 2 submitted that such inspection is only to be carried out in the Court so as to avoid tampering with the documents. The learned counsel for the respondents 3 and 4 also made submissions on the same lines as the learned counsel for the respondents 1 and 2.

5. I considered the submissions of the learned counsel on either side and also examined the affidavit in support of the application.

6. Upon consideration of the above, it is clear that the applicant/plaintiff should be permitted to peruse such documents so as to file objections to the report or to make submissions in respect thereof. At the same time, it is necessary to ensure that the said original documents are not tampered with.

7. Therefore, this application is allowed by permitting the applicant to examine the original documents namely, (i) the Will, dated 27.11.2007; (ii) the Settlement Deed dated 10.01.2008 ; (iii) Passport dated 19.06.2007 and (iv) two rental agreements dated 23.09.2010 and 01.11.2010, on 06.01.2020 at 02.30 p.m. Such inspection shall be carried out only in the presence of the learned counsel representing the respondents.

WEB COPY

Sd/.S.K.R.J.
10.12.2019

//Certified to be a true copy//
Dated this the day of 2019.

S.U./19.12.2019

COURT OFFICER