

A.No.1143 of 2020
and
TOS.No.8 of 2019

P.T.ASHA, J.

The above application has been taken out for appointing an Advocate Commissioner to examine the attesting witness Thiru R.Kannan son of R.Venkatachari. The basis on which the application is moved is that he is the only attesting witness to testify the signature of the testator as well the execution of the will dated 12.12.2003. This witness is aged about 88 years and suffering from an Acute Pulmonary Edema and Cardiac disease. It is for these reasons that the application has been moved to have him examined by Commissioner as he is unable to come to the court to adduce evidence.

2. Though time was granted to the defendants to make their submissions the same has not been made. On 13.03.2020, at their request the matter had been adjourned to 18.03.2020 to enable the defendants to get necessary instructions. However on 18.03.2020 there was no representation for the defendants and the matter was adjourned to today.

P.T.ASHA, J.

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3. Today once again the very same request has been made. However the Court rejects the request in the light of the fact that the witness who is now sought to be examined is the only attesting witness, aged 88 years and suffering from acute illness. Therefore Ms. J. Prithivi, Advocate, 31, Law Chamber, High Court Madras -104 is appointed as Advocate Commissioner to record the evidence of R.Kannan, S/o.R.Venkatachari-104. Initial remuneration of Rs.15,000 to be paid by the petitioner to the Advocate Commissioner. The Advocate Commissioner shall conclude the evidence taking and submit a report within a period of two weeks from the date of receipt of a copy of this order.

19.03.2020

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