

A.No.414 of 2021 in
O.P.No.199 of 2020

R. PONGIAPPAN, J.

This application has been filed for appointment of Advocate Commissioner to visit the residence of attesting witness Dr.D.E.P.Jeyasingh, S/o Late D.Devasirabatham at "Nithyam", Plot No.12, Maruthi Nagar, 2nd Street, Rajakilpakkam, Sembakkam, Selaiyur, Chennai 600073 and examine him as P.W.2 and to record his evidence and produce before this Court.

2. It is the case of the Applicants that their mother Mrs.Victoria Khan, during her life time acquired immovable properties as mentioned in the Original Petition and executed a registered Will on 28.8.2001 in their favour. For granting Letters of Administration, the applicants filed the Original Petition and the 1st Applicant deposed before this Court as P.W.1 and marked Exs.P.1 to P.12. It is the further case of the applicants that at the time of execution of the Will, out of two attesting witnesses namely (1) Dr.D.E.P.Jayasing and (2) Prof. Purushotham Samuel, who were with the Testatrix at the time of execution of the Will and signed as attesting witnesses. Out of them Prof.Purushotham Samuel is no more and the another witness Dr.D.E.P.Jeyasingh alone is available. Since, the attesting witness viz., Dr.D.E.P. Jeyasingh is aged about 82 years and he underwent major heart operation, due to his present health condition and also present Covid 19 Pandemic situation, the applicants are praying this Court to appoint an Advocate Commissioner to visit the resident of

attesting witness Dr.D.E.P.Jeyasingh, to examine and record his evidence by way of proof affidavit and to produce the same before this Court.

3. Considering the old age of the attesting witness, he also underwent heart operation and also considering his present health condition and present Covid 19 Pandemic situation, this Court is of the view that it is just and necessary to appoint an Advocate Commissioner to visit the resident of the attesting witness Dr.D.E.P.Jeyasingh to examine and record his evidence.

4. Accordingly, this Court is appointed **Mr.U.ANANTHAMURTHY**, learned counsel, having address at MERCANTILE PLAZA. Opp. to High Court, 3, 229/6, First Floor, N.S.C.Bose Road, Chennai - 600 001, Mobile No.98655 25777 as Advocate Commissioner for the above said purpose. The remuneration of the Advocate Commissioner is fixed at Rs.20,000/- (Rupees Twenty Thousand Only) and same shall be paid by the applicants directly to the Advocate Commissioner. The Advocate Commissioner shall visit the place of the Attesting Witness after proper notice to him and also the applicants, and he also record the evidence of Dr.D.E.P.Jeyasingh as P.W.2 and mark documents if any, from Ex.P.13. The advocate Commissioner shall file his report along with the deposition of P.W.2 with exhibits if any, on or before 01.03.2021 before this Court.

5. In view of the same this Application is ordered. Registry is directed to post the Original Petition on 01.03.2021.

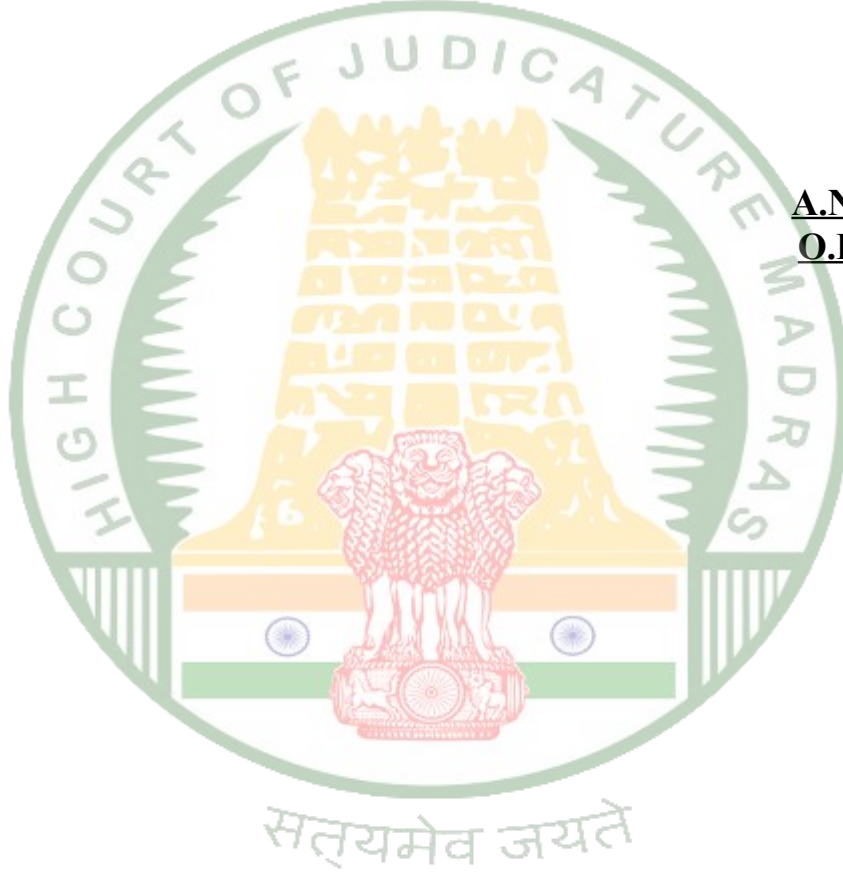
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