

A.No.979 of 2021
in O.P.No.953 of 2019

R.PONGIAPPAN, J.,

This Application has been filed for appointment of an Advocate Commissioner to visit the residence of the attesting witness Mr.V.Krishnamurthy, at No.17/37, 4th Main Road, Jawahar Nagar, Chennai - 600 802 and examine him as P.W.1 and to record his evidence and produce before this Court.

2. It is the case of the Applicants that their father Mr.M.R.Krishnamurthy, during his life time acquired immovable properties as mentioned in the Original Petition and executed a registered Will on 22.07.2013 in their favour. It is the further case of the applicants that at the time of execution of the Will, out of two attesting witnesses namely (1) Mr.V.Krishnamurthy and (2) K.Natarajan, who were with the Testatrix at the time of execution of the Will and signed as attesting witnesses. Out of them, K.Natarajan, is no more and the another witness Mr.V.Krishnamurthy alone is available. Since, the attesting witness viz., Mr.V.Krishnamurthy, is aged about 94 years and due to his present health condition, the applicants

are praying this Court to appoint an Advocate Commissioner to visit the resident of the attesting witness Mr.V.Krishnamurthy, 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 and also considering his present health condition, 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 Mr.V.Krishnamurthy to examine and record his evidence.

4. Accordingly, this Court is appointed **Mr.P.DUR AISAMY**, learned counsel, having address at No.75, Law Chambers, High Court, Madras - 600 104, Mobile No.: 94442 11650, 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 Mr.V.Krishnamurthy as P.W.1. The Advocate Commissioner shall file his report along with the deposition of P.W.1 with exhibits if any, on or before 19.04.2021 before this Court.

5. In view of the same this Application is allowed.

6. Registry is directed to post the Original Petition on 19.04.2021.

sri

10.03.2021



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