



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 28th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.2509 of 2021

in

O.P.No.41 of 2021

In the matter of the Indian Succession
Act XXXIX of 1925, and
In the matter of Estate of
S.Krishnamurthi – Deceased Intestate.

S.Subramanian,
S/o Subbaiah,
Flat No.6,34, Sarojini Street,
Thiyagaraya Nagar,
Chennai 600 017.

... Applicant/ Petitioner

A. No.2509 of 2021:-

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to record the evidence of petitioner S.Subramanian in O.P.No.41 of 2021 at his residence at Flat No.6, 34, Sarojini Street, Thiyagaraya Nagar, Chennai 600 017.

This application coming on this day before this court for hearing in the presence of M/s V.J.Latha, Advocate for the Applicant herein and upon reading the Judge's Summons and the affidavit of S.Subramanian filed



WEB COPY

That a warrant of commission do issue herein, out of and under the seal of this court that Mr.N.Balamurali Krishnan, Advocate, residing at Plot No.278, Pillayar Koil Street, Golden George Nagar, Nerkundram, Chennai – 600 107, (Cell No.9841946780) is appointed herein as Advocate Commissioner, requesting him on the part and on behalf of the applicant/petitioner herein to examine the applicant at his residence at Flat No.6, 34, Sarojini Street, Thiagaraya Nagar, Chennai, and to receive all documents produced and mark them as exhibits and make to return of the said commission and file a report before this court along with the evidence so recorded on or before 12.08.2021.

2. That the Advocate Commissioner appointed herein, shall be paid by the applicants herein, a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as initial remuneration forthwith, when he informs the applicant of his commission and fixes a convenient date and time for the examination.

3. That the Advocate Commissioner appointed herein, be and is hereby directed to take custody of all the original documents filed along with the Original Petition from the Registry for marking of the documents at the time of the examination.

4. That the Registry herein be and is hereby directed to handover all



the original documents filed along with the Original Petition to the Advocate Commissioner to enable him to mark the same while recording evidence.

5. That the A.No. 2509 of 2021 in O.P.No.41 of 2021 be posted on 12.08.2021 for filing of the report of the Advocate Commissioner.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
28th DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



MU
WEB COPY

05.08.2021

4

A. No.2509 of 2021
in
O.P.No.41 of 2021

ORDER

DATED : 28.07.2021

THE HON'BLE MR.JUSTICE
V.PARTHIBAN

FOR APPROVAL: 05.08.2021

APPROVED ON: 05.08.2021

Copy to:

Mr.N.Balamurali Krishnan,
Advocate Commissioner,
residing at Plot No.278,
Pillayar Koil Street,
Golden George Nagar,
Nerkundram, Chennai – 600 107,
(Cell No.9841946780)



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 28th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.2509 of 2021

in

O.P.No.41 of 2021

In the matter of the Indian Succession
Act XXXIX of 1925, and
In the matter of Estate of
S.Krishnamurthi – Deceased Intestate.

S.Subramanian,
S/o Subbaiah,
Flat No.6,34, Sarojini Street,
Thiyagaraya Nagar,
Chennai 600 017.

... Applicant/ Petitioner

To
Mr.N.Balamurali Krishnan,
Advocate Commissioner,
residing at Plot No.278,
Pillayar Koil Street,
Golden George Nagar,
Nerkundram, Chennai – 600 107,
(Cell No.9841946780)

WHEREAS the above Application is filed by the applicant praying
that this Hon'ble Court be pleased to appoint an Advocate Commissioner to
record the evidence of petitioner S.Subramanian in O.P.No.41 of 2021 at
his residence at Flat No.6, 34, Sarojini Street, Thiyagaraya Nagar, Chennai
600 017.



WEB COPY WHEREAS in and by an order dated 28.07.2021 made in A. No.2509 of 2021 in O.P.No.41 of 2021, you have been appointed as the commissioner.

You as the commissioner, are hereby requesting you on the part and on behalf of the applicant/petitioner herein to examine the applicant at his residence at Flat No.6, 34, Sarojini Street, Thiagaraya Nagar, Chennai, and to receive all documents produced and mark them as exhibits and make to return of the said commission and file a report before this court along with the evidence so recorded on or before 12.08.2021.

You as a commissioner, are hereby informed that the applicants herein, shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as initial remuneration forthwith, when you informs the applicant of your commission and fixes a convenient date and time for the examination.

You as a commissioner, are hereby directed to take custody of all the original documents filed along with the Original Petition from the Registry for marking of the documents at the time of the examination.



WEB COPY You as a commissioner, are hereby informed you that the Registry is hereby directed to handover all the original documents filed along with the Original Petition to you and to enable to mark the same while recording evidence.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
28th DAY OF JULY 2021.

ASSISTANT REGISTRAR (O.S.II)



WEB COPY

MU

05.08.2021

8

A. No.2509 of 2021

in

O.P.No.41 of 2021

WARRANT OF COMMISSION

THE HON'BLE MR.JUSTICE

V.PARTHIBAN

Copy to:-

Mr.N.Balamurali Krishnan,
Advocate Commissioner,
residing at Plot No.278,
Pillayar Koil Street,
Golden George Nagar,
Nerkundram, Chennai – 600 107,
(Cell No.9841946780)



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 28th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.2509 of 2021
in
O.P.No.41 of 2021

In the matter of the Indian Succession
Act XXXIX of 1925, and
In the matter of Estate of
S.Krishnamurthi – Deceased Intestate.

S.Subramanian,
S/o Subbaiah,
Flat No.6,34, Sarojini Street,
Thiyagaraya Nagar,
Chennai 600 017.

... Applicant/ Petitioner

A. No.2509 of 2021:-

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to record the evidence of petitioner S.Subramanian in O.P.No.41 of 2021 at his residence at Flat No.6, 34, Sarojini Street, Thiyagaraya Nagar, Chennai 600 017.

This Application coming on this day before this court for hearing **the court made the following order:-**

This application is filed seeking permission to appoint an Advocate Commissioner to record the evidence of the applicant herein at his residence



at Flat No.6, 34, Sarojini Street, Thiyagaraya Nagar, Chennai – 600 017,

based on his Proof Affidavit that has been filed along with this application and direct the Registry to hand over to the Advocate Commissioner all the documents that have been filed along with this Original Petition so as to enable the same to be marked as Exhibits while the evidence is recorded.

2. It is stated that the aforesaid Original Petition has been filed for Letters of Administration to the property and credits of the deceased may be granted to the petitioner as surviving legal heir of the deceased, to have effect limited to the State of Tamil Nadu. The said O.P. is at the stage of recording evidence. The applicant is residing permanently in Thiyagaraya Nagar, Chennai and he is the only surviving witness and he is 83 years old. It is further stated that due to the outbreak of Covid-19 pandemic situation posing serious health and safety concerns and due to the advanced age and frail health of the applicant, the doctors have advised him to remain indoors. Further, he being the only surviving witness, this application has been filed seeking to appoint an Advocate Commissioner to record his evidence based on the Proof Affidavit that he has filed along with this application.

3. Considering the Covid-19 pandemic situation and the advanced

age of the applicant and also considering the fact that no opposition to this



application, this Application is allowed.

WEB COPY

4. Mr. N.Balamurali Krishnan, Advocate, residing at Plot No.278, Pillayar Koil Street, Golden Geroage Nagar, Nerkundram, Chennai - 600 107, (Cell No. 9841946780) is appointed as Advocate Commissioner to examine the applicant at his residence at Flat No.6, 34, Sarojini Street, Thiagaraya Nagar, Chennai and file a report before this Court along with the evidence so recorded on or before the next date of hearing.

5. The Advocate Commissioner shall be paid by the applicants, a sum of Rs.25,000/- (Rupees Twenty Five thousand only) as initial remuneration forthwith, when he informs the applicant of his commission and fixes a convenient date and time for the examination.

6.The Advocate Commissioner is directed to take custody of all the original documents filed along with the Original Petition from the Registry for marking of the documents at the time of the examination.

7.Registry is directed to hand over all the original documents filed along with the Original Petition to the Advocate Commissioner to enable him to mark the same while recording evidence.



WEB COPY 8.Post the matter on 12.08.2021 for filing of the report of the Advocate Commissioner.

Sd./-V.P.N.J.
28.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.