

Application No.2607 of 2021
in
O.P.No.671 of 2020

V.PARTHIBAN.,J.

This application is filed seeking permission to appoint an Advocate Commissioner to record the evidence of Mr.S.P.Ambrose, aged about 94 years at his residence at New No.14, 7th Cross street, Sastri Nagar, Adayar, Chennai – 600 020, based on the 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 grant of probate of the Will dated 10.07.2014 and Codicils dated 21.05.2015 and 27.06.2019 executed by Late Mr.C.V.R.Panikar. The said O.P. is at the stage of recording evidence. It is stated that both the witnessess are senior citizens and are also suffering from age old ailments and are not in a position to move. As per Indian Evidence Act, one attesting witness can be called for the purpose of proving the execution of the Will. 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

witness, the doctors then advised him to remain indoors.

3. Considering the Covid-19 pandemic situation and the advanced age of the witness and also considering the fact that this application is not opposed by the respondents' counsel, this Application is allowed.

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 witness at his residence at New No.14, 7th Cross street, Sastri Nagar, Adayar, Chennai - 600 020 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.35,000/- (Rupees Thirty Five Thousand only) as initial remuneration forthwith, when he informs the witness 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. The Advocate Commissioner is at liberty to engage any professional services for the purpose of recording the evidence in Adayar, Chennai and claim any reasonable charges for utilising the services, from the applicant.

8. 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.

9. Post the matter on 31.08.2021 for filing of the report of the Advocate Commissioner. सत्यमेव जयते

04.08.2021

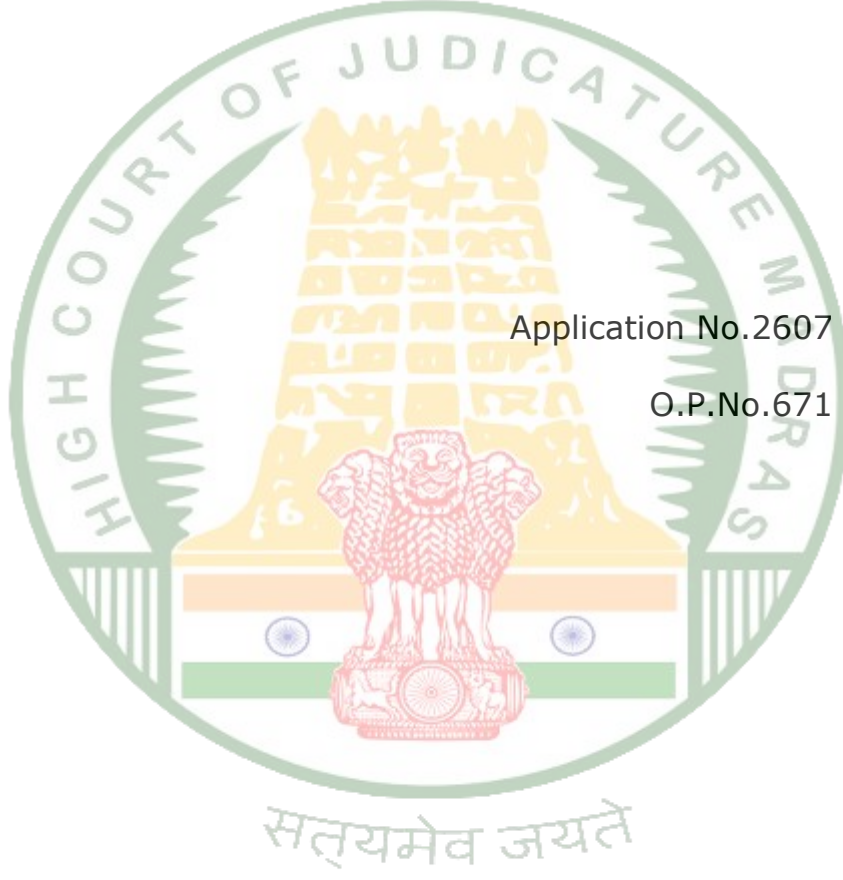
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Note:

Registry is also directed to issue warrant to the Advocate Commissioner.

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