



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 08th DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A.No.3137 of 2021

in

O.P.No.421 of 2020

In the matter of Indian Succession
Act XXXIX of 1925

In the matter of the last Will and
testament of Shri.J.Natesa Gramani
(Deceased)

Mrs.G.Vijayalakshmi
W/o Late Mr.N.Ganesan,
Old No. 33, New No. 6,
Chanda Sahib Street,
Mirsahibpet,
Chennai 600014.

...Applicant/Petitioner

-Versus-

1. Mr.G.Mohanakrishnan
S/o Late Mr.N.Ganesan,
Old No. 33, New No. 6,
Chanda Sahib Street,
Mirsahibpet,
Chennai 600014.

2. G.Krishna Kumar alias G.Kumaran
S/o Late Mr.N.Ganesan,
Old No. 33, New No. 6,
Chanda Sahib Street, Mirsahibpet,
Chennai 600014.

3. Nithya
W/o Mr.N.Marimuthu,
No.27/12, Vathiyar Chinnaya Street,



2nd Floor, Royapettah,
Mirasahib Market,
Chennai - 600014

4. Mr. M.Abinesh
S/o Mr.G.Mohanakrishnan,
Old No. 33, New No. 6,
Chanda Sahib Street,
Mirsahibpet,
Chennai 600014.

5. M.Sujitha Minor,
Rep. By Natural Guardian,
Father, Mr.G.Mohanakrishnan,
Old No. 33, New No. 6,
Chanda Sahib Street,
Mirsahibpet, Chennai 600014.

....Respondents/Respondents

A.No.3137 of 2021

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner for examining the Attesting Witness Mr.V.Ramanujam in his residence at Door No.18/27, Chanda Sahib Street, Royapettah, Chennai 600 014, in the above O.P.

This Application coming on this day before this court for hearing in the presence of Mr.M.Sampath Rajkumar, Advocate for the applicant herein and Mr.A.Harivasagam, Advocate for the respondents 1, 2, 4 & 5 filed herein and upon reading the judges summons common affidavit of G.Vijayalakshmi filed herein,



it is ordered as follows:-

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 Geroage 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 Attesting Witness of Mr.V.Ramanujam in his residence at Door No.18/27, Chanda Sahib Street, Royapettah, Chennai 600 014 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 30.09.2021.

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

3. That the Advocate Commissioner appointed herein, be and is hereby directed to take custody of all the original documents filed along



the time of the examination.

WEB COPY

4. That the Advocate Commissioner appointed herein, shall be at liberty to engage any professional services for the purpose of recording the evidence in Chennai and claim any reasonable charges for utilising the services, from the applicant herein and apart from the initial remuneration, the Advocate Commissioner is also entitled to be paid actuals like transport and any incidental expenses that he shall incur while carrying out his assignment.

5. That the Registry be and is hereby directed to hand over all the original documents filed along with the Original Petition to the Advocate Commissioner appointed herein to enable him to mark the same while recording evidence.

6. That the A.No.3137 of 2021 in O.P.No.421 of 2020 be posted on 30.09.2021 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
08th DAY OF SEPTEMBER 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.



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20.09.2021

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A.No.3137 of 2021
in
O.P.No.421 of 2020

ORDER:

DATED : 08.09.2021

THE HON'BLE MR.JUSTICE
V.PARTHIBAN

FOR APPROVAL: 23.09.2021

APPROVED ON : 23.09.2021

Copy to:

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

Correspondence to Note:-



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 08th DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A.No.3137 of 2021

in

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In the matter of Indian Succession
Act XXXIX of 1925

In the matter of the last Will and
testament of Shri.J.Natesa Gramani
(Deceased)

Mrs.G.Vijayalakshmi
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...Applicant/Petitioner

-Versus-

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3. Nithya
W/o Mr.N.Marimuthu,



No.27/12, Vathiyar Chinnnaya Street,
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4. Mr. M.Abinesh
S/o Mr.G.Mohanakrishnan,
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5. M.Sujitha Minor,
Rep. By Natural Guardian,
Father, Mr.G.Mohanakrishnan,
Old No. 33, New No. 6,
Chanda Sahib Street,
Mirsahibpet, Chennai 600014.

....Respondents/Respondents

To
Mr.N.Balamurali Krishnan,
Advocate Commissioner,
residing at Plot No.278,
Pillayar Koil Street,
Golden Geroage Nagar,
Nerkundram,
Chennai - 600 107.

A.No.3137 of 2021

WHEREAS the above Application praying that this Hon'ble Court
be pleased to appoint an Advocate Commissioner for examining the
Attesting Witness Mr.V.Ramanujam in his residence at Door No.18/27,
Chanda Sahib Street, Royapettah, Chennai 600 014, in the above O.P.



WEB COPY WHEREAS in and by an order dated 08.09.2021 made in A.No.3137 of 2021 in O.P.No.421 of 2020, you have been appointed as a commissioner.

You as a commissioner, are hereby requesting you on the part and on behalf of the applicant/petitioner herein, to examine the Attesting Witness of Mr.V.Ramanujam in his residence at Door No.18/27, Chanda Sahib Street, Royapettah, Chennai 600 014 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 30.09.2021.

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

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.



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You as a Commissioner, shall at liberty to engage any professional services for the purpose of recording the evidence in Chennai and claim any reasonable charges for utilising the services, from the applicant herein and apart from the initial remuneration, you also entitled to be paid actuals like transport and any incidental expenses that you shall incur while carrying out your assignment.

You as a Commissioner, are hereby informed you that the Registry is hereby directed to hand over all the original documents filed along with the Original Petition to you to enable him to mark the same while recording evidence.

WITNESS THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 08th DAY OF SEPTEMBER 2021.

ASSISTANT REGISTRAR (O.S-II)



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20.09.2021

A.Nos.3137 of 2021
in
O.P.No.421 of 2020

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)



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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 in the above O.P.No.421 of 2020 for recording evidence of the attesting witness Mr.V.Ramanujam, in his residence at Door No.18/27, Chanda Sahib Street, Royapettah, Chennai 600 014, within the jurisdiction



of this Court.

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2. It is stated that the aforesaid Original Petition has been filed for grant of Letters of Administration with the will annexed to the properties and credits of the deceased J.Natesa Gramani. According to the applicant, the above O.P. came up for hearing on 05.08.2021 for recording her evidence. On that day, the Master Court had recorded the evidence and marked all the documents. The said O.P. was posted for examining the attesting witness on 31.08.2021. She submit that the attesting witness Mr.V.Ramanujam, aged about 71 years, is very old and is bedridden and he could not appear before this Court for giving evidence. The attesting witness Mr.V.Ramanujam is presently residing at Door No.18/27, Chanda Sahib Street, Royapettah, Chennai 600 014. He has to be examined by an Advocate Commissioner appointed by this Court and his evidence may be recorded in the present address as he is unable to move. Further, the Attestor being the only surviving witness to the Will, this application has been filed seeking to appoint an Advocate Commissioner to record the evidence based on the Proof Affidavit that they have filed along with this application.

3. Considering the averments stated in the affidavit filed in support of



this application and the advanced age of the attestor 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 George Nagar, Nerkundram, Chennai - 600 107, (Cell No. 9841946780) is appointed as Advocate Commissioner to examine the attestor at his respective residence 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 applicant, a sum of Rs.25,000/- as initial remuneration forthwith, when he informs the applicant and the attestor of his commission and fixes a convenient date and time for the examination of the attestor.

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 Chennai



and claim any reasonable charges for utilising the services, from the applicant. Apart from the initial remuneration, the Advocate Commissioner is also entitled to be paid actuals like transport and any incidental expenses that he may incur while carrying out his assignment.

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 30.09.2021 for filing of the report of the Advocate Commissioner.

Sd./- V.P.N.J
08.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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