



A. No.1185 of 2022
in
T.O.S.No.42 of 2010

V.BHAVANI SUBBAROYAN., J.

This application has been filed to issue subpoena directing the Branch Manager, State Bank of India, Personal Banking Branch, Anna Nagar East, Chennai- 600 102 or any of his subordinate to produce the specimen signature card of K. Subramania Chetty, deceased maintained in Old S.B. Account No.1000533932, New Account No.11901065816, Customer No.8000494785 and give evidence before this Hon'ble Court.

2. The learned counsel for the applicant would submit that the evidence is being recorded in the above suit. The plaintiff side witnesses were examined and cross examined. During the cross examination, it was suggested that the signature appearing in the Will marked as Ex.P.3 is not that of the deceased.

3. It has been further submitted that in order to prove that Ex.P3 is a contemporaneous document prepared and signed by the Testator himself



and it is his signature, the specimen signature of the Testator which is available with State Bank of India, Anna Nagar East Branch, (Personal Banking) Chennai - 6000102 in S.B. A/c. No.10000533932 which was opened by the Testator in the year 2003 is required to be summoned. Further, this is a vital piece of document and has to be summoned and the bank official has to be examined to produce and mark the same.

4. On the contrary, the learned counsel for the respondents/defendants would submit that the applicant and one of the attesting witnesses, who were examined as P.W.1 and P.W.2 in the aforesaid proceedings, have admitted the following facts;

1) That his father Mr. Subramanya Chetty was a Chief Engineer in Central Water Power Commission

(2) Though Mr. Subramanya Chetty had executed a Will on 13.02.1997, he had not disclosed the same to anybody including his wife and sons and daughter till his death ie. 03.10.2005.

3) That one Mr. Srinivasan, who was the friend of Mr.Subramanya Chetty and one of the attesting witnesses to the alleged Will, had also not



disclosed about the existence of the Will either to the petitioner or to other members of the family, even after the death of Mr. Subramanya Chetty.

(iv) The petitioner had found out the Will from the room of Mr. Subramanya Chetty only in the year 2007.

(v) Thus, though the Will was found out by the petitioner in the year 2007, he initiated the above proceedings only in the month of November, 2010.

(vi) According to P.W.2, the Will was drafted by an Advocate, who had less than 10 to 15 years of experience and P.W.2, who was a Law College Student then, had signed as one of the attesting witnesses.

5. It has been further submitted that the above admissions of the applicant and his witness affirm the contention of this respondent that the Will was not executed in the year 1997 as alleged by the petitioner and it was created 2 to 3 years after the death of Mr. Subramanya Chetty but also to prove that the Will was signed by the Testator and Witnesses in the particular period as mentioned in the Will.



6. The learned counsel has further submitted that the applicant is filing a separate application to refer the Will dated 13.02.1997 to the Forensic Lab at Chennai to find out whether the Will was executed in the year 1997 as alleged by the petitioner or it was created after the death of the testator in the year 2005. Therefore, this application is liable to be dismissed.

7. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side as well as averments in the affidavit filed in support of the application, this application is allowed as prayed for and hence the Registry is hereby directed to issue subpoena directing the Branch Manager, Anna Nagar East, Chennai - 600 102 or any other authorized person to produce the specimen signature card of Late K. Subramania Chetty who was maintaining the S.B. A/c. No.10000533932, New A/c. No.11901065816, Customer I.D. No.80000494785 and give evidence before the Master concerned on 08.06.2022.



8. With regard to the separate application is said to be filed by the applicant/plaintiff to refer the Will dated 13.02.1997 to the Forensic Lab at Chennai, the respondents/defendants are at liberty to proceed against the said proceedings in the manner known to Law.

11.04.2022

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