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**A.No.5178 of 2022**  
**in**  
**TOS.No.13 of 2018**

**G. CHANDRASEKHARAN, J.**

This application is filed to send the documents morefully described in the schedule to the Judges Summon to Handwriting Expert to identify the signatures of Mr.K.Rajkumar to decide whether the signatures in the disputed Will and Settlement deed executed by Mr.K.Rajkumar, the attesting witness to the Will are same.

2. This application is strongly opposed by the respondent. It is claimed that Mr.K.Rajkumar is a 2<sup>nd</sup> attesting witness to the Will, dated 19.01.1980 executed by Mr.S.Balasubramaniam. It is also submitted that he is no more now. There is another attesting witness namely Mr.C.Karunakaran is alive. The respondent has to necessarily examine Mr.C.Karunakaran to prove the Will. If that happens, there is a little possibility of examining someone, who knew the signature of the attesting witness Mr.K.Rajkumar. Only when some one is sought to be examined to prove the signature K.Rajkumar, challenge to his signature can be made. This application is pre-matured.



**G. CHANDRASEKHARAN, J.**

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3. Therefore, this application is dismissed for the present. It is open to the applicant to move an appropriate application, if the respondent wants to prove the signature of 2<sup>nd</sup> attesting witness K.Rajkumar through someone who knew his signature.

**29.11.2022**

(2/2)

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