



A.No.2077 of 2023 in
TOS.No.40 of 2016

R.N.MANJULA, J.

This application has been filed by the defendant for permitting him to examine the Experts as mentioned in the list of witnesses touching upon the forensic report and take on records as the Court exhibits of the report dated 15.11.2019 along with annexures.

2. It is submitted by the learned counsel for the applicant that the impugned Will has already been sent for forensic examination along with certain contemporary documents to ascertain the genuineness of the signature present in the alleged Will dated 25.12.2012 executed by P.L.Meenal in favour of the respondent / plaintiff and the report in this regard has been given in Document No.73 of 2019 of Tamil Nadu Forensic Sciences Department dated 15.11.2019; since the erstwhile counsel who was making appearance for the defendant had omitted to place the said document as an evidence, even though certain material facts can be brought out by producing the report and by examining the experts concerned; hence, in the interest of justice, this application should be allowed.



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3. However, the learned counsel for the respondent / plaintiff submitted that the trial has already been concluded and the plaintiff was examined in the year 2018 and the defendant's side examination has started in the year 2019; ultimately the recording of evidence was over on 20.12.2022; the applicant / defendant has the habit of dragging the proceedings in whatsoever manner known to her thereby causing much inconvenience to the plaintiff who is 85 years old; therefore, this application should be dismissed.

4. Though the application has been filed at a belated stage and the learned counsel for the respondent / plaintiff has serious objection as to the manner in which the applicant / defendant is causing delay to the proceedings, the fact remains that the disputed document has been sent for forensic analysis with regard to the signature affixed therein and the report has also been obtained and the same is available on record; the erstwhile counsel for the defendant ought to have brought it to the knowledge of the Court and seen that it is marked as a document and call for the author of the document to be present and be examined, but the said essential function has been omitted to be done;



now after the new counsel has entered appearance, he has filed this application to permit the applicant to examine the experts who had given the report.

5. The reasons stated in the affidavit for allowing this application cannot be denied as unreasonable, but the inordinate delay in taking such application cannot be appreciated. In view of the hardship and inconvenience caused to the respondent / plaintiff and also considering the interest of justice, this application shall be allowed on terms.

6. Accordingly, this application is allowed on payment of cost of Rs.5,000/- to the respondent / plaintiff and the same is also paid by the learned counsel for the applicant to the learned counsel for the respondent / plaintiff. The report of the Forensic Science Expert can be marked as a Court document, even though the Forensic Science Expert is summoned and examined as a witness.

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