



WEB COPY

**A.No.5661 of 2024
in TOS.No.9 of 2015**

A.A.NAKKIRAN.,J.

This application has been filed by the applicant to appoint an Advocate Commissioner for examining the attesting witness to the Will dated 10.03.2005 namely Thiru.P.B.Palaniappan aged 81 years residing at No.52 (S4) North Boag Road, T.Nagar, Chennai 600 017 as PW2 in the above suit.

2. Heard both sides.

3. Perusal of records shows that the 2nd defendant has filed his counter and medical records have not been filed.

4. Learned counsel for the respondents has strongly opposed to allow this application.

5. Being satisfied with the reasons stated in the affidavit filed in support of this application, this application is allowed.

6. Mr.P.Ganesan, District Judge (Retd.,) No.778, Judges Colony, Kakithapuram 4th Street, S.Kolathur, Kovilambakkam, Chennai – 600 117, (Cell No.96000 45571) is appointed as an Advocate Commissioner for examining the attesting witness to the Will dated 10.03.2005 namely



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gv

Thiru.P.B.Palaniappan aged 81 years residing at No.52 (S4) North Boag Road, T.Nagar, Chennai 600 017 as PW2 in the above suit.

7. The learned Advocate Commissioner is directed to issue notice to both the parties mentioning the date of the examination of the witnesses.

8. The remuneration of the Advocate Commissioner is fixed at Rs.20,000/- (Rupees Twenty Thousand only) shall be paid by the learned counsel for the applicant directly to the Advocate Commissioner. The Advocate Commissioner shall file his report on or before 13.01.2025.

9. Fresh notice to the defendants 1 and 2, returnable by 13.01.2025. Private notice is also permitted. Post on 13.01.2025.

gv

05.12.2024

Note: Registry is directed to issue the warrant immediately.

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