



WEB COPY

A No. 1359 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11-09-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 1359 of 2025

AND

TOS NO. 39 OF 2022

1. Reginald Pathorse

S/o.V.Pathrose, No.16, 11th Street, Plot.

C-228, Periyar Nagar, Chennai - 600

082.

Applicant(s)

Vs

1. Geetha Christabel Shekar and
another

D/o.V.Pathrose, No.8-69A, South
Street, Karankad, Kanyakumari
District, Tamilnadu - 629809.

2.Tomy Victor Pathrose

S/o.V.Pathrose, Block No.1-1306, SMR
VINAY Harmony County, Kismatpur
Road, Bandlaguda Jagir, Hyderabad -
500 006. (Impleaded as per order
passed in A.No.3467/2023 in
Tos.39/2022)



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Respondent(s)

TOS No. 39 of 2022

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1. Reginald Pathorse

S/o.V.Pathrose, No.16, 11th Street,
Plot. C-228, Periyar Nagar, Chennai -
600 082.

Appellant(s)

Vs

1. Geetha Christabel Shekar

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District, Tamilnadu - 629809.

2.Tomy Victor Pathrose

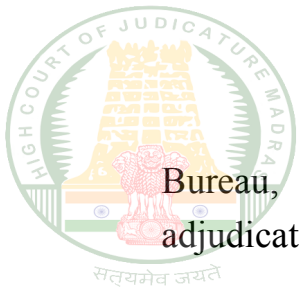
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PRAYER

This application is filed under Order XIV Rule 8 of OS Rules r/w section 39(1) of the Bharatiya Sakshya Adhiniyam, 2023, praying to send Ex.P1, Original Will dated 02/06/2021, which has the testators signature to be compared with the Original Cheque NO.469412, dated 19/02/2019 drawn on Post Office Savings Bank Account No.0643891881 and also the Original Pan Card of the Testator, which has the testators signature for expert opinion and to seek scientific report from the Forensic Science Laboratory at Tamilnadu Finer Print



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Bureau, No.95, Santhome High Road, R.A.Puram, Chennai 28 for better adjudication of this case.

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For Applicant: Mr.M.Antony Moses for
M/s.Acuity Law Associates
For Respondent: Mr.M.Antony Moses for
M/s.Acuity Law Associates

ORDER

The applicant is the plaintiff. This application has been filed to send Ex.P1, the original will dated 02/06/2021, which has the testator's signature to be compared with the signatures on the original cheque No. 469412, dated 19/02/2019, drawn on the Post Office Savings Bank Account No. 0643891881, and also the signature on the original PAN card of the testator, for comparison by the scientific expert, and to seek an opinion from the expert attached to the Forensic Science Laboratory at Tamil Nadu Fingerprint Bureau, No. 95, Santhome High Road, R.A. Puram, Chennai 28.

2.The learned counsel for the applicant submitted that the contesting 2nd defendant had disputed the signature of the deceased testator in the will dated 2.6.2021 [Ex.P1], and during the cross-examination of DW.1, he was questioned



about the sending of Ex.P1 for expert opinion and for which he had no objection.

3.It is further submitted that the applicant has filed another application in I.A.NO.412/2025 for seeking the very same relief but by providing the comparative document as the partition deed, which is marked as Ex.P6. As Ex.P6 was of the year 1997, this court has disposed off the said application by granting liberty to the petitioner to produce any contemporary documents for comparing the signature of the testator. The applicant has now filed this application seeking comparison of the alleged signatures of the testator found in the original cheque dated 19.02.2019 and on the PAN card of the testator, with the signatures contained in the original Will dated 02.06.2021.

4. However, the learned counsel for the respondent objected, contending that the defendants have taken the stand that the will was obtained under undue influence and pressure exerted on the testator. The plaintiff ought to have proved the will, as per the requirements of Section 68 of the Indian Evidence Act. The signatures in the cheque and the PAN card are not admitted signatures of the testator, as they are not proved before the court.



5. Even though the petitioner has given liberty to file any new petition, the signatures on the alleged cheque and the PAN card cannot be claimed to be containing the admitted signatures. The respondent has objected that those signatures. Unless any authenticity is attached to the signatures of the testator in the documents now sought to be produced for comparison, no order to compare the same by an expert can be issued.

Hence, the petition stands **dismissed**.

11-09-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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R.N.MANJULA J.

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