



A NO. 2386 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 2386 of 2025

Dr.Regina Blossom Sam
W/o.K.P.Thooyamani, Old No.3, New No.16, Present No8,
Ranganathapuram St, Chetput, Chennai 600 031.

Applicant(s)

Vs

C. Jerone Ceaser Shroffe and another
S/o.S.P.Prabhakaran, Both residing at Nos.4 and 5,
Kummalamman Koil Street, Off Taylors Road, Kilpauk, Chennai
600 010. and another

Respondent(s)

For Applicant(s):

M/s. P. Subba Reddy
K.Aparna Devi
T.Srikrishna Bhagavat

For Respondent(s): Mr.R.Thiyagarajan

ORDER

The Application had been taken up to issue subpoena to the banks in which PW2 admitted to hold accounts during his cross-examination.

2.The learned counsel for the applicant would submit that the PW2 who claims to be the attesting witness is an impersonator. He would submit that the PW2 is a rank impersonator and if the original signature of the PW2 as available with the subpoena witness is placed



before this Court by way of evidence, it would demonstrate the illegalities committed that regard. He would claim that it is the onus of the applicant to substantiate the fraud committed by the respondent and if such documents are brought to the Court it will pin down the

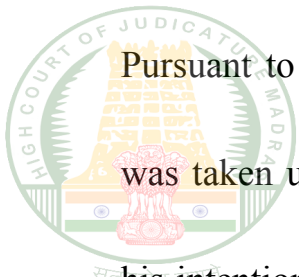
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impersonator. Therefore, he prays this Court to grant subpoena.

3. Countering his arguments, Mr.R.Thiyagarajan, learned counsel appearing on behalf of the respondent would contend that the applicant is trying to make a roving enquiry. He would submit that PW2 on issuance of subpoena pursuant to his closing of evidence, had appeared before this Court and produced various documents such as his Aadhar card, Pancard, driving license and other certificates to prove his identity. Marking of the said documents were also objected to, but the applicant had not cross examined PW2 on the said documents. This itself would show that the said documents prove the identity of PW2 and there is no necessity to issue subpoena and the present application is only a ruse to protract the proceedings. Therefore, prays this Court to dismiss the present Application.

4.I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials placed on record.

5.PW-2 is an attesting witness to the Will and he had been examined to prove the Will.



Pursuant to the subpoena issued, he had recorded his evidence. However, when the matter was taken up on 29.07.2024, the learned counsel for the applicant/defendant had expressed his intention to record the cross-examination of the witness before this Court and hence, the

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learned Master directed the matter to be listed before this Court. Various applications were taken up by the applicant/defendant in A.Nos.4712, 5825 & 5826 of 2024, seeking various reliefs. This Court by order dated 12.11.2024, holding that the applications are pre-mature as the witness has not been examined on oath, directed the matter to be sent back to the learned Master for recording of further evidence by issuing subpoena. Pursuant to the said order, the cross examination of the attesting witness/PW2 was completed and the matter was directed to be listed before this Court. At that point, an application in A.No.1314 of 2022 was taken out by the respondent/plaintiff to reissue subpoena to the PW2 for the reasons stated therein. This Court by order dated 19.03.2025 finding that the learned counsel for the applicant was not permitted for re-examination had directed the issuance of subpoena. On service of subpoena, PW-2 had appeared before this Court and had produced his Aadhar Card, Pan Card, Driving License, Secondary School Leaving Certificate, Higher Secondary Course Certificate, and his Group – IV Hall ticket to substantiate his identity. When the said documents were sought to be filed as photocopies after comparison with the original, a strong objection had been made by the defendant by insisting that the original documents should be marked. Now the



applicant/defendant had taken the present application to issue subpoena to the ba which

PW-2 holds account to call for its records to compare his signature in the documents.

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6.It is to be noted that when the subpoena was reissued and PW-2 was re-examined on 22.04.2025 except for objecting to receive the photocopies after being compared with the originals, the defendant had not cross-examined the witness or even made suggestion to the witness that such documents are forged documents. He had not even averred in the affidavit in support of this application that the said documents are forged nor he had made any attempts to ascertain the veracity of the such documents from the authority concerned.

7.As rightly pointed out by the learned counsel for the respondents/plaintiffs, the applicant/defendant is attempting to make a roving enquiry on identity of PW-2. Further except for making an allegation for impersonation, the applicant has also not produced any materials to substantiate his claim to *prima facie* satisfy this Court that the PW-2 is an impersonator.

8.In such view of the matter, this Court is of the view that there are no merits in the application and had been made only with a view to protract the proceedings and hence, the Application in A.No.2386 of 2025 stands dismissed.



03-07-2025

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To

1. C. Jerone Ceaser Shroffe and another
S/o.S.P.Prabhakaran, Both residing at Nos.4 and 5, Kummalamman Koil
Street, Off Taylors Road, Kilpauk, Chennai 600 010.

2. Mrs.Betsy Veronica
W/o.Judson and D/o.S.P.Prabhakaran.