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A. Nos.2387 and 2388 of 2025

in

C.S. No.806 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A. Nos.2387 and 2388 of 2025

in

C.S. No.806 of 2018

Dr. Regina Blossom Sam W/o. K.P. Thooyamani ... Applicant / Defendant
[common in both applications]

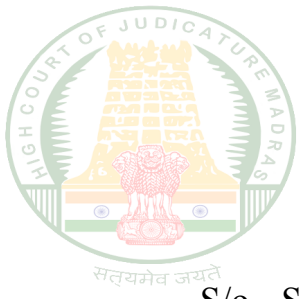
Vs.

1. C. Jerone Ceaser Shroffe
S/o. S.P. Prabhakaran

2. Betsy Veronica
W/o. Judson and daughter of S.P. Prabhakaran ... Respondents / Plaintiffs
[common in both applications]

PRAYER in A. No.2387 of 2025: This application has been filed under Order XVI Rule 2 of High Court Original Side Rules praying to issue subpoena to Indian Bank, Choozhal Branch 25/152 - A Choozhal Adaikkakuzhi PO, Kanyakumari 629 153 to produce original signature records of S. Justin Raj

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S/o. Selson with Aadhaar No.526618199262, Mobile No.9843896879 to

submit to the Court copies.

PRAYER in A. No.2388 of 2025 – The application has been filed to issue

subpoena to Venkanji primary agriculture cooperative credit Society,

Kanyakumari District to produce original signature records of S. Justin Raj

S/o. Selson with Aadhaar No.526618199262, Mobile No.9843896879 to

submit to the Court copies..

For Applicant

[both applications] : Mr. P. Subba Reddy

For Respondents : Mr. R. Thiagarajan

[both applications]

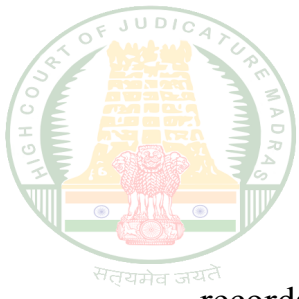
COMMON ORDER

The application in **A. No.2387 of 2025** has been filed to issue

subpoena to Indian Bank, Choozhal Branch 25/152 - A Choozhal

Adaikkakuzhi PO, Kanyakumari 629 153 to produce original signature

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records of S. Justin Raj S/o. Selson with Aadhaar No.526618199262, Mobile

No.9843896879 to submit to the Court and the application in **A. No.2388 of**

2025 has been filed to issue subpoena to Venkanji primary agriculture

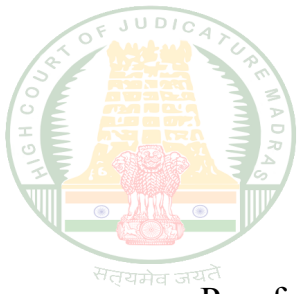
cooperative credit Society, Kanyakumari District to produce original signature

records of S. Justin Raj S/o. Selson with Aadhaar No.526618199262, Mobile

No.9843896879 to submit to the Court.

2. The learned counsel appearing for the applicant would submit that the respondents / Plaintiffs has filed the Suit for the relief of recovery of possession and already evidences were adduced. Ex.P.1 to Ex.P.18 were marked. The Plaintiffs have relied upon Ex.P.3, which is the photocopy of an unregistered Will and after completion of cross examination, in the year 2022, the Plaintiffs sought for substituting the photocopy with that of the original, much after cross examination. At that time, the Plaintiffs have set up an impersonator as the attesting witness of the Will, Ex.P.3 namely S. Justin Raj with Aadhaar No.526618199262, Mobile No.984389687 and also filed a

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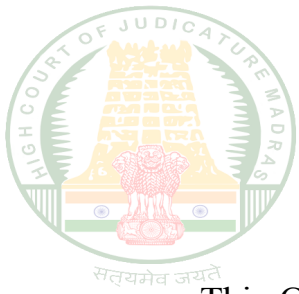
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Proof Affidavit through him on 26.07.2024. During the cross examination of

the above said impersonator, he has deposed that he maintains bank accounts at Canara Bank, Kollencode Branch and Indian Bank Choozhal Branch. By summoning of signature records from the concerned banks would demonstrate the illegalities committed. Duty is cast upon the applicant to establish to the Court the grave fraud of the respondents. Therefore, subpoena has to be issued to the banks where the attesting witness is maintaining bank accounts. Therefore, the defendant has filed these applications.

3. The learned counsel appearing for the respondents would submit that PW2 is the attesting witness in Ex.P.3, an unregistered Will and he deposed before the Court as attesting witness and this Court also examined the identity of the attesting witness, PW2. The Court also recorded the objection of the applicant at the time of examination of attesting witness.

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This Court also verified the identity and obtained copy of the PAN card and

he also furnished Aadhar card number and mobile number. Therefore, issuing summons is only delay tactics and the applications are liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. In this case, the respondents have filed a Suit for the relief of recovery of possession. Already both sides witnesses have been examined and the case is posted for arguments. At this stage, the applicant has filed these applications along with other applications. According to the applicant, the Plaintiffs have relied upon an unregistered Will, Ex.P.3, which is the photocopy of the Will and one Justin Raj has filed a Proof Affidavit on 26.07.2024 stating that he is the attesting witness. In fact, he is an impersonator. Therefore, the bank accounts maintained by the said attesting witness namely S. Justin Raj have to be summoned to prove that he is an

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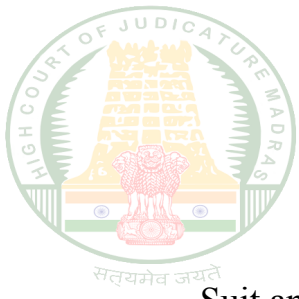
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impersonator. At the time of examination itself, the applicant / defendant had

raised her objection in respect of the identity of PW2 and witnesses had also produced Aadhar card and mobile number and this Court also verified the copy of the PAN card. Therefore, if any impersonation is made by PW2, the applicant can very well establish through the available evidences. Now the case is posted for arguments. At this stage, the applicant has filed these applications.

6. In order to establish the alleged impersonation, the applicant wants to summon those accounts. The applicant has not mentioned the bank account numbers and only based on the evidence of PW2 that he has some bank accounts in the banks, the applicant has filed these applications without mentioning the bank account numbers. Therefore, the prayer of the applicant cannot be considered at this stage. If the applicant has any grievance in respect of the identity, he can establish at the time of final arguments in the

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Suit and if he is able to establish the same, then the Court can take appropriate

steps in accordance with law at later point of time. Therefore, at this stage,

these applications cannot be considered and these applications have no merits

and deserve to be dismissed.

7. Accordingly, these applications are *dismissed*.

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