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O.S.A.No. 274 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE S. M. SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

O.S.A.No. 274 of 2025

Dr.(Mrs.) Regina Blossom Sam .. Appellant

VS

1.C.Jerone Ceaser Shroffe

2.Mrs.Besty Veronica .. Respondents

Prayer : Appeal filed under Order XXXVI Rule 1 of OS Rules read with Clause 15 of Letters Patent to set aside order dated 03.07.2025 made in Application No. 2386 of 2025 in C.S.No. 806 of 2018.

For Appellant : Mr.T.Srikrishna Bhagavat

For Respondents : Mr.R.Thiagarajan

JUDGMENT

(Delivered by MOHAMMED SHAFFIQ.,J)

The present appeal is filed challenging the order in Application No. 2386 of 2025, wherein the request for subpoena to be issued to



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Canara bank was rejected on the premise that this was nothing but an attempt to make a roving enquiry with regard to the identity of PW.2.

2. The suit in C.S.No. 806 of 2018 was instituted by the plaintiffs/respondents herein for delivery of vacant possession of the suit property. The prayer in the suit was premised on a Will dated 04.06.1992. The Will is, admittedly, unregistered. One of the attesting witnesses of the Will is S.Justin Raj. The plaintiffs had prayed for issuance of subpoena to the attesting witness, viz., Justin Raj. Pursuant thereto, S.Justin Raj appeared before this Court and examined. During the course of such cross-examination, number of documents with reference to his identity, including but not limited to Aadhar Card, Pan Card, Driving Licence and other certificates, were also produced.

3. It is submitted by the learned counsel for the appellant that though Pan Card was produced, a copy of the same was not furnished to the appellant. Learned counsel for the appellant would submit that a mere glance at the various documents which are produced before this Court, even to the naked eye, discrepancies would be glaring.



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4. We perused the documents, viz., Pan Card, Aadhar Card as also the Mark Sheets. We find that signature varies in each of the documents.

5. An explanation was offered by Mr.Thiyagarajan, learned counsel for the respondents that as years pass by, there is natural tendency for the signature of every person to change and that Courts should not take on itself the task of comparing signatures.

6. While it is plausible that signatures are bound to change over time, we find that, on comparison of the above documents, there is some merit in the submission made by the learned counsel for the appellant, that variation in the signatures are glaring. Section 73 of the Indian Evidence Act, enables the Courts to examine signature. We are conscious of the caution uttered by the Supreme Court that the Courts must exercise restraint while exercising power under Section 73 of the Evidence Act. In the circumstances, considering the variations in the signatures, we are inclined to set aside order dated 03.07.2025 and remand the matter back to the learned Single Judge for re-examination of the above request keeping in view Section 73 of the Evidence Act, needless to



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state if need be, may also obtain opinion from the handwriting expert in respect thereof.

7. With the above directions, this Original Side Appeal stands allowed. No costs.

[S.M.S, J.] [M.S.Q, J]
11.11.2025

Index:Yes/No
Neutral Citation:Yes/No
ssm

To
The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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and
MOHAMMED SHAFFIQ, J.

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