



WEB COPY

A NO. 5955 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A NO. 5955 of 2024

IN

TOS NO. 83 OF 2013

P.Narayanan
No.3/2, Ram Colony, Chennai - 600 033

Applicant(s)

Vs

T.Padma @ Pattu And Another
No.6/36, Murugesan Street, Chennai 600 017. and another

Respondent(s)

For Applicant(s):

Mr. Sameeksha Desikan
(For M/s.Rahul Balaji)

For Respondent(s):

Mr. C. Jagadish

ORDER

This application has been filed by the applicant to direct the Tamil Nadu Forensic Laboratory, Chennai, to appoint an expert to scientifically investigate the signature in Page 1 of the Last Will of R. Parthasarathy, the testator, in his will dated 30.08.1999, in compliance with the order dated 30.03.2022 passed in A.No.4303 of 2021 in T.O.S.No.83 of 2013 and pass such other orders accordingly.



2. The learned counsel for the applicant has submit

subsequent to the order dated 30.03.2022 in A.No.4303 of 2021, the forensic

examination report has given a clear and a categorical finding that the signatures in

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pages 2 and 3 of the will match with that of the specimen signatures provided, it has

failed to even examine the signature contained in Page 1 of the will and has remarked

that it was 'not possible to offer opinion.

3.It has been further submitted that as the signature in the 1st

page is examined as against the handwriting specimens which are already provided in

the original additional documents filed by the Applicant/Plaintiff in the applications in

A.Nos.1378 and 4220 of 2022, no prejudice would be caused to the

Respondents/Defendants if the request of the Petitioner/Applicant is allowed, in as

much as it would only be in furtherance of proving the genuineness of the will, which

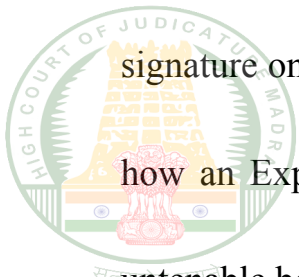
has already been made out from various other facts, including the forensic examination

report.

4.The learned counsel for the respondent has submitted that the

alleged Will said to be dated 30.08.1999 contains 3 pages and the Forensic Expert has

rendered an opinion that they are "unable to offer any opinion" with respect to the



signature on the 1st page of the alleged Will. The Applicant cannot dictate the testator's

how an Expert Opinion has to be prepared. The prayer in the Application is wholly

untenable both in law and on facts.

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5.It has been further submitted that the Applicant had sought for a Forensic Examination and by orders of this Hon'ble Court, a Report has been filed. The Applicant cannot now attempt to wriggle out merely because the Report is not favouring the allegations of the Applicant. Hence, the present application is liable to be dismissed.

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

7.On perusal of the records, it is seen that in the first instance, in compliance with the order dated 30.03.2022 passed in A.No.4303 of 2021, the Forensic Department has submitted the Report dated 15.05.2023 before this Court after comparing the signature of the alleged Testator holding that they are unable to offer any opinion with respect to the signature on the 1st page of the Alleged Will. Under such circumstances, after the Expert of the Forensic Department expressed the aforesaid view, the applicant has preferred the present application seeking once again to compare



the signature in Page 1 of the last Will by appointing an expert to scient

investigate the same, it is not acceptable one and liable to be dismissed. Further, it

seems that the application is filed only with a view to protract the suit proceedings.

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8.In the result, the present application is dismissed. No costs.

04-03-2025

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

lbm

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To

1. T.Padma @ Pattu And Another
No.6/36, Murugesan Street, Chennai 600 017.

2. P.Mythili

No.10, 2nd street, vadhyar Thottam, Chennai 600 024.



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