

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
Principal District Judge, Coimbatore.**

Thursday, this the 16th day of April, 2026

(திருவள்ளூர்வராண்டு, 2057, பராபவ ஆண்டு சித்திரை திங்கள் 3-ஆம் நாள் வியாழக்கிழமை)

I.A.No.1/2025 in TOS No.686/2025

S.R.Uma Anandam

... Petitioner / 1st Defendant

//vs//

1. Rajalakshmi

... Respondent / Plaintiff

2. Kannan

... Respondent / 2nd Defendant

This petition came on 11-03-2026 for hearing before this Court in the presence of **Thiru.R.Srinivasan**, Advocate for the petitioner / 1st defendant and of **Tmt. / Selvi. Sreejaya Kallingals & Associates**, Advocate for the 1st respondent / plaintiff and of **Thiru.Rajasekar**, Advocate for the 2nd respondent / 2nd defendant, and upon hearing both side arguments, perusing petition, counter and other relevant records, having stood over for consideration till this date, this Court made the following:

ORDER

This is an application filed by the petitioner, u/s.45 of Indian Evidence Act / Sec.39 of Bharathiya Sakshya Adhinyam (BSA), praying to pass order directing to obtain the expert opinion in respect of the signature of M.Anandam

in disputed alleged unregistered Will dated 16-10-2013 relied by the plaintiff by comparing it with the petition mentioned title deeds.

2. **Averments stated in the affidavit are as follows:-**

(i) The petitioner herein is the 1st defendant in the main suit. The plaintiff herein is the niece of petitioner's husband and she is claiming right over the alleged unregistered Will as if executed by my husband Anandam. Petitioner's husband Anandam is a high educated person and highly experienced person who retired from the Central Government office and practiced as an auditor in Coimbatore after his retirement.

(ii) Being an experienced person, petitioner's husband is well acquainted with the legal position also. Further the plaintiff has not produced the original alleged unregistered Will relied on by the plaintiff till date, after petitioner's appearance. After the perusal of the photocopy of the unregistered Will, the petitioner find that signatures in the alleged unregistered Will does not belong to her husband and there are lot of variations in signature which itself is sufficient to conclude that the will relied on by the plaintiff is a forged / fraudulent one.

(iii) Really had there been any intention to bequeath, petitioner's husband would have done it at an earlier stage with proper registration. The alleged execution of the unregistered Will is just few days prior to the death of

petitioner's husband Anandam. This along with absence of registration is clearly suspicious. As stated above the signature is not that of my husband. The originals of all the title deeds are retained by the plaintiff only as admitted by her in the proceedings.

(iv) The fact that signatures in the alleged unregistered Will doesn't belong to petitioner's husband, an expert opinion is required. Hence the petitioner has come forward with the present petition, seeking an expert opinion over the signatures in the alleged unregistered Will by comparing it with the signature of petitioner's husband Anandam available in the title deeds belonging to the contemporaneous period. Petitioner's husband Anandam had never executed any such Will and the petitioner is the sole legal heir of her husband Anandam. To grab the entire movable and immovable property belongs to the petitioner, this Will has been fabricated.

(v) An expert opinion over the disputed alleged Will dated 16-10-2013 along with the title deeds containing the signature of petitioner's husband may be sent for expert opinion. The documents belong to contemporaneous period. Unless the application is allowed, the petitioner will be put into much loss and irreparable injury and prays to allow the petition.

3. **The averments contained in the counter filed by the 1st respondent are as follows:-**

(a) The above interim application filed by the petitioner is false, frivolous, vexatious and unsustainable both in law and on facts of the case. Except the facts those that are specifically admitted herein the plaintiff is put to strict proof of all the averments in the plaint.

(b) The petitioner has hardly spent a few days together with the deceased Mr.Mani Anandam, to be able to recognize his signature which has evolved over the last 70 years and there is no basis to her claim that the signature on the Will does not belong to Late Mr.Mani Anandam. She has submitted before Court the passport of Mr.Mani Anandam, his pension book, his affidavit given to the passport Authorities for the removal of his spouse name. Besides the above, Mr.Mani Anandam has also signed nomination forms to the Indian Overseas Bank, nominating this respondent as his nominee. There are all contemporaneous documents that can be compared for varacity by this Court. Strangely, the petitioner is asking for the Sale Deed copies for comparison of signatures and it is clear that this application for forensic examination is only a fishing expedition to obtain copies of the title deeds belonging to late Mr.Mani Anandam. The Petitioner has also stated in her Affidavit that the Will was made only few days before his death, but in actuality the Will is dated 16-10-2013 and

Mr.M.Anandam died on 07-12-2013, which is two months before this death. This application itself has been filed to delay the commencement of trial in what is supposed to be a summary proceedings.

4. **The point that arises for consideration in this petition is that;** whether expert opinion has to be obtained in respect of the signature of deceased M.Anandam in disputed alleged unregistered Will dated 16-10-2013 relied by the plaintiff by comparing it with the petition mentioned title deeds, or not?

POINT:-

5. Heard and documents perused. This petition has been filed by the petitioner to pass an order directing to obtain expert opinion in respect of the signature of deceased M.Anandam in disputed alleged unregistered Will dated 16-10-2013 relied by the plaintiff by comparing it with the petition mentioned title deeds

6. The learned counsel for the petitioner argued that, the petitioner herein is the 1st defendant in the main suit. The petitioner is the wife of Anandam. The plaintiff herein is the niece of petitioner's husband and she is claiming right over the alleged unregistered Will as if executed by my husband Anandam. Petitioner's husband Anandam is a high educated person and highly experienced

person who retired from the Central Government office and practiced as an auditor in Coimbatore after his retirement. The learned counsel has further argued that, being an experienced person, petitioner's husband is well acquainted with the legal position also and after the perusal of the photocopy of the unregistered Will, the petitioner find that signatures in the alleged unregistered Will does not belong to her husband and there are lot of variations in signature which itself is sufficient to conclude that the will relied on by the 1st respondent / plaintiff is a forged / fraudulent one.

7. The learned counsel for the petitioner has further argued that, the alleged execution of the unregistered Will is just few days prior to the death of petitioner's husband Anandam and the signature found in the Will is not belonged to petitioner's husband. The originals of all the title deeds are retained by the 1st respondent / plaintiff only as admitted by her in the proceedings. The learned counsel has further argued that, the fact that signatures in the alleged unregistered Will doesn't belong to petitioner's husband, an expert opinion is required. Hence the petitioner has come forward with the present petition, seeking an expert opinion over the signatures in the alleged unregistered Will by comparing it with the signature of petitioner's husband Anandam available in the title deeds belonging to the contemporaneous period. The learned counsel has further argued that, petitioner's husband Anandam had never executed any such Will and the petitioner is the sole legal heir of her husband Anandam and

to grab the entire movable and immovable property belongs to the petitioner, this Will has been fabricated. The learned counsel for the petitioner has further argued that, an expert opinion over the disputed alleged Will dated 16-10-2013 along with the title deeds containing the signature of petitioner's husband may be sent for expert opinion and the documents belong to contemporaneous period and hence, the petitioner filed the present petition and prays to allow the same.

8. Whereas, the learned counsel for the 1st argued that, the petitioner has hardly spent a few days together with the deceased Mr.Mani Anandam, to be able to recognize his signature which has evolved over the last 70 years and there is no basis to her claim that the signature on the Will does not belong to Late Mr.Mani Anandam. She has submitted before Court the passport of Mr.Mani Anandam, his pension book, his affidavit given to the passport Authorities for the removal of his spouse name. Besides the above, Mr.Mani Anandam has also signed nomination forms to the Indian Overseas Bank, nominating this respondent as his nominee. There are all contemporaneous documents that can be compared for varsity by this Court. The learned counsel for the 1st respondent has further argued that, the petitioner is asking for the Sale Deed copies for comparison of signatures and it is clear that this application for forensic examination is only a fishing expedition to obtain copies of the title deeds belonging to late Mr.Mani Anandam. The Petitioner has also stated in her affidavit that the Will was made only few days before his death, but in actuality

the Will is dated 16-10-2013 and Mr.M.Anandam died on 07-12-2013, which is two months before this death. The learned counsel for the 1st respondent further argued that, this application itself has been filed to delay the commencement of trial in what is supposed to be a summary proceedings and prays to dismiss the petition.

9. This Court has considered the submissions of both sides and perused the records. On perusal of the records, it reveals that one Anandam is the husband of the petitioner. The 1st respondent is the niece of the said Anandam and she has filed the suit 1st respondent / plaintiff, claiming right over the alleged unregistered Will, dated 16-10-2023, said to have been executed by petitioner's husband Anandam.

10. According to the petitioner, on perusal of the said alleged Will, the petitioner found that the signatures found in the alleged Will dated 16-10-2023 does not belong to her husband and there are lots of variations in the signature itself. Now according to the petitioner, her husband is retired from Central Government Office and practised as an Auditor in Coimbatore, after his retirement. The execution of the alleged Will happened just few days to the prior to the death of her husband Anandam. Further petitioner's husband had never executed any such Will. The Will is a fabricated one with a view to grab the entire movable and immovable property belongs to the petitioner. The

originals of all the title deeds are retained by the 1st respondent / plaintiff only as admitted by her in the proceedings. In the above said circumstance, it is just and necessary to obtain expert opinion regarding the signature found in the alleged Will dated 16-10-2023. The 1st respondent raised objection stating that the petitioner has filed the present petition with a view to delay the commencement of trial in the main case.

11. Though the respondents have vehemently opposed the petition, considering the nature of petition, having regard to the nature of dispute between the parties, this Court is inclined to allow the petition. Point is answered accordingly.

In the result, this petition is allowed and the 1st respondent is hereby directed to submit the petition mentioned original title deeds of contemporaneous period which contain the signature of the deceased Anandam for comparison with the signature of the deceased Anandam found in the Will dated 16-10-2023. No cost.

This order is dictated to steno-typist directly, typed by her in computer, corrected and pronounced by me, the order in open Court, on this the 16th day of April, 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

//True copy//

Draft Order in
I.A.No.1/2025 in
TOS No.686/2025
Dated:16-04-2026.