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A.No.1299 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A Nos. 1299 & 1300 of 2026

in

T.O.S. No. 29 of 2016

R.Nagalakshmi (Deceased)

1.K.Vijayalakshmi and 2 others

W/o.R.Kamalakannan, No.3, East Karikalan Street,
Adambakkam, Chennai-600 088.

2.Mr.R.Sarathi

S/o.Ravi,

Old No.61, New No.106,

Perumal Koil Street,

Kottur,

Chennai 600 085.

3.Mrs.R.Ashwini

Old No.61, New No.106, Perumal Kovil Street,

Kottur, Chennai - 600 085.

..Applicant(s)

Vs

Mr.Chinthamani (Deceased)

1. Mr.C.Kothandaraman and 2 others

Old No.5, New No.13, Palandi amman Koil St,
Adambakkam, Ch-600 088.

2. Mrs.P.Mohanalakshmi

W/o.R.Ponnaiyan,

No.5/3, Thangavelu Street,

Puzhithivakkam,

Chennai - 600 091.



A.No.1299 of 2026

3. Mrs.C.Mahalakshmi

W/o.A.Selvaraj,

Old No.5, New No.13,

Palandi Amman Koil Street,

Adambakkam,

Chennai - 600 088.

(2nd plaintiff is already on record and plaintiffs 3

and 4 are brought on record as Lrs of the

deceased 1st plaintiff as per order dated

13.07.2023 in A.No.3443 of 2023 and time

extended as per order dated 20.07.2023 and

amendment carried out 26.07.2023)

..Respondent(s)

PRAYER IN A.NO.1299 OF 2026: To permit and allow forensic examination by a handwriting expert for scientific comparison of the disputed signature found in the alleged Will dated 18/05/1992, Exhibit P1 with the admitted signatures of the Testator in Exhibits P6 and P7 in T.O.S.No.29 of 2016.

PRAYER IN A.NO.1300 OF 2026: To appoint an Advocate Commissioner to take custody of the original alleged Will dated 18/05/1992, Exhibit P1, along with admitted signature documents Ex.P6 and P7 of the Testator and direct the Advocate Commissioner to produce the said documents, in sealed cover, before a Government, recognised Forensic Science Laboratory for Scientific comparison of signatures and obtain a report and therefore produce it in T.O.S.No.29 of 2016.

For Applicant(s): M/S.Waraon And Sai Rams
N.Ramakrishnan

For Respondent(s): Mr.M.Vivekanandha.



A.No.1299 of 2026

COMMON ORDER

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These applications have been filed by the applicants/defendants in T.O.S.No.29 of 2016.

2. A.No.1299 of 2026 has been filed seeking a direction to send the disputed signatures found in the Will dated 18.05.1992, marked as Ex.P1, for forensic examination and comparison with the admitted signatures of the testator N. Chinnaraju found in Ex.P6 Certified copy of Exchange deed Doc No. 32 of 1980 dated 12.01.1980 and Ex.P7 Pucca sale deed Doc No. 64/1991 dated 11.12.1990.

3. A.No.1300 of 2026 has been filed for appointment of an Advocate Commissioner to take custody of the original documents, namely Ex.P1, Ex.P6 and Ex.P7, and produce the same before the Government Forensic Science Laboratory / Government-recognised forensic expert for comparison and opinion.

4. The learned counsel appearing for the applicants/defendants submitted that the genuineness of the Will dated 18.05.1992 is seriously disputed by the defendants. It is further submitted that during cross-examination of PW1, questions



A.No.1299 of 2026

were put with regard to the signatures found in Ex.P1 and the admitted signatures found in Ex.P6 and Ex.P7. Therefore, according to the applicants, expert opinion is necessary for proper adjudication of the dispute.

5. The learned counsel appearing for the respondents/plaintiffs has made an endorsement stating that the respondents have no objection for allowing these applications.

6. This Court has considered the submissions made on either side and perused the materials placed on record.

7. The principal issue framed in the suit is whether the Will dated 18.05.1992 is true and genuine. The evidence already recorded also shows that the parties have raised questions regarding the signatures of the testator in Ex.P1 and the admitted signatures in Ex.P6 and Ex.P7. Therefore, the opinion of a handwriting/forensic expert would assist the Court in deciding the controversy effectively.

8. In view of the nature of the dispute, the stage of the proceedings, and the endorsement of no objection made by the learned counsel for the



A.No.1299 of 2026

respondents/plaintiffs, this Court is inclined to allow both applications. However, it

is made clear that the expert opinion will be only an item of evidence and its admissibility, relevancy, probative value and effect are left open to be considered at the appropriate stage.

9. Accordingly, A.No.1299 of 2026 is allowed. The disputed signatures found in the Will dated 18.05.1992, marked as Ex.P1, shall be sent for forensic examination and comparison with the admitted signatures of N. Chinnaraju found in Ex.P6 and Ex.P7.

10. A.No.1300 of 2026 is also allowed. Mr.V.Sriram Ananth, Advocate, Flat A, Block A, "Malar Flats", No.13/4, Babu Rajendra Prasad, 1st street, West Mambalam, Chennai – 600 033, Contact No.8056279887 is appointed as Advocate Commissioner for the limited purpose of taking custody of the original documents, namely Ex.P1, Ex.P6 and Ex.P7, from the Registry / learned Additional Master, under proper acknowledgment, and producing the same before the Government Forensic Science Laboratory / Government-recognised forensic expert for comparison and opinion.



A.No.1299 of 2026

11. The Advocate Commissioner shall ensure that the original documents are kept in sealed cover and shall obtain necessary acknowledgment from the forensic authority at the time of production of the documents.

12. The forensic authority shall compare the disputed signatures in Ex.P1 with the admitted signatures in Ex.P6 and Ex.P7 and submit its report in sealed cover to this Court.

13. After completion of the forensic examination, the Advocate Commissioner shall collect the original documents and the report from the forensic authority and produce the same before this Court / Registry in sealed cover.

14. The expenses for forensic examination and the remuneration of the Advocate Commissioner shall be borne at the first instance by the applicants/defendants.

15. The Advocate Commissioner shall complete the exercise and file a report within a period of six weeks from the date of receipt of a copy of this order.



A.No.1299 of 2026

16. It is made clear that this order is passed only for obtaining expert opinion.

All objections regarding proof, relevancy, admissibility and evidentiary value of the forensic report are left open to be raised by the parties at the appropriate stage.

17. A.Nos.1299 and 1300 of 2026 are allowed accordingly. No costs.

08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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A.No.1299 of 2026

DR.A.D.MARIA CLETE, J.

AY

**A Nos. 1299 & 1300 of 2026
in
T.O.S. No. 29 of 2016**

08-06-2026

8/8