



WEB COPY

A No. 1203 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

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

A.No.1203 of 2026 in T.O.S.No.33 of 2021

and

A.No.1204 of 2026 in C.S.No.548 of 2019

1. K.Kokilamma (Deceased)
W/o.K.Ambikapathi
1-8-702/33/28, Padma Colony,
Nallakunta, Vidya Nagar 1st Street,
Musheerabad, Hyderabad, Andhra Pradesh-500
044
2. K.Sailendra Kumar s/o K.Kokilamma s/o
Late.K.Ambikapathi
Old No.42, New.No.32, Jubilee Rd. West
Mambalam, Ch-33
3. K.MAdhusudhan
Old No.42, New.No.32, Jubilee Rd. West
Mambalam, Ch-33
4. K.R.Vijayalakshmi
Old No.42, New.No.32, Jubilee Rd. West
Mambalam, Ch-33 (Plaintiff 2 to 4 brought on
record as legal heirs of deceased first plaintiff
and amendment carried out as per order dated
14.03.2024 in A.Nos.1490 and 1492 of 2024 in
TOS.No.33 of 2024 and CS.No.548/2019)

..Applicant(s)

Vs

1. A.Murugan
S/o.Late K.V.Annamalai Pillai,
No.2/41, 1st Main Road, Kalaimagal Nagar,
Ekkatuthangal, Chennai-600 032
2. K.Audinarayana Pillai
S/o.Late K.Veerassamy Pillai,



No.16/41, 1st Cross Street, Shanti Nagar,
Hosur-635 109

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A No. 1204 of 2026

..Respondent(s)

1. K.Kokilamma (Deceased)
W/o.K.Ambikapathi, N.No.32, Jubilee Rd.
West Mambalam, Ch-33
2. K.Sailendra Kumar S/o K.Kokilamma S/o
Late.K.Ambikapathi
Old No.42, New.No.32, Jubilee Rd. West
Mambalam, Ch-33
3. K.MAdhusudhan
Old No.42, New.No.32, Jubilee Rd. West
Mambalam, Ch-33
4. K.R.Vijayalakshmi
Old No.42, New.No.32, Jubilee Rd. West
Mambalam, Ch-33 (Plaintiff 2 to 4 brought on
record as legal heirs of deceased first plaintiff
and amendment carried out as per order dated
14.03.2024 in A.Nos.1490 and 1492 of 2024 in
TOS.No.33 of 2024 and CS.No.548/2019)

..Plaintiff(s)

Vs

1. A.Murugan
S/o.Late K.V.Annamalai Pillai,
No.2/41, 1st Main Road, Kalaimagal Nagar,
Ekkatuthangal, Chennai-600 032
2. K.Audinarayana Pillai
S/o.Late K.Veerassamy Pillai,
No.16/41, 1st Cross Street, Shanti Nagar,
Hosur-635 109

..Defendant(s)

Prayer in A No. 1203 of 2026: To issue subpoena to the
E.A.Vishnupathy, at New No.24, Old No.60, Thambiah Road, West



Mambalam, Chennai 600 033 to give evidence in the above T.O.S.No.33 of 2019 on the file of this Honble Court.

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Prayer in A No. 1204 of 2026: To issue subpoena to the E.A.Vishnupathy, at New No.24, Old No.60, Thambiah Road, West Mambalam, Chennai 600 033 to give evidence in the above C.S.No.548 of 2019 on the file of this Honble Court.

In both applications:

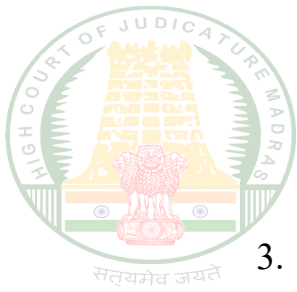
For Applicant(s): M/S.N. Baaskaran

For Respondent(s): Mr.G.R.Ravichandran

COMMON ORDER

The Applications in A.No.1203 of 2026 in T.O.S.No.33 of 2021 and A.No.1204 of 2026 in C.S.No.548 of 2019 have been filed seeking issuance of subpoena to E.A.Vishnupathy, one of the attesting witnesses to the registered Will dated 25.07.1996 executed by late K.Sivaperumal, to appear and give evidence in the respective proceedings.

2. It is averred in the affidavits that the original plaintiff, K.Kokilamma, came to know about the existence and registration particulars of the Will through E.A.Vishnupathy. According to the applicants, the said witness is not willing to appear voluntarily and, since the claims in both proceedings are founded upon the Will, his evidence is necessary to prove its execution and attestation.



3. The applications are opposed on the ground that the identity and whereabouts of the proposed witness were known to the applicants from the inception and that the present applications, filed after the examination of P.W.1, are intended only to fill up the lacuna in the evidence.

4. Admittedly, the proposed witness is one of the attesting witnesses to the Will. His evidence is therefore material for proper adjudication of both proceedings. Though the applications are belated, the delay can be compensated by imposing costs, and the respondents will have sufficient opportunity to cross-examine the witness.

5. Accordingly, **A.No.1203 of 2026 in T.O.S.No.33 of 2021 and A.No.1204 of 2026 in C.S.No.548 of 2019 are allowed**, subject to payment of costs of Rs.10,000/- to the respondents within two weeks from the date of this order.

28-07-2026
[1/2]

JRS

Index : Yes/No

Internet: Yes/No

Neutral citation: Yes/No

Speaking order/Non speaking order



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DR.A.D.MARIA CLETE, J.

JRS

**A.No.1203 of 2026 in T.O.S.No.33 of 2021
and
A.No.1204 of 2026 in C.S.No.548 of 2019**

28-07-2026