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CRP No. 851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 851 of 2025

AND

CMP NO. 5080 OF 2025

S. Saraswathi
W/o. Sanmuga Sundaram,
No.14, Vaithi Padaiyatchi St,
Vazhapadi, Salem Dt.

..Petitioner(s)

Vs

1. Vadivel
S/o. Soundararajan,
Sandhai, 9th Ward, Tharamangalam, Omalur
Circle, Salem Dt.
2. Selvi
Thiriyalam Village, Thirupattur Circle, Vellore
Dt.

Rajamanickam (Died)
3. V. Ravishankar
S/o. Venkatakrishnan,
No.U4, Block 2, Lakshmi Krubha Apartment,
Rajaji Road, Salem 7.
4. P. Lazar
S/o. Pilavendiran,
No.32, Kaliyamman Koil Road, A. Vazhapadi
Village, Salem Dt.



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5. Alamelu
Widow of Venkataraja Konar,
Konar Rice Mill, Sarkar Vazhapadi Village and
Post, Vazhapadi Circle, Salem Dt.
6. R. Madhavan
S/o. Ramasamy Konar,
Konar Rice Mill, Sarkar Vazhapadi Village and
Post, Vazhapadi Circle, Salem Dt.
7. M. Natarjan
S/o. Muthu Naicker,
No.22, Anandha St, Attur Town, Salem Dt.
8. N. Saroja
W/o. Natarajan,
No.22, Anandha St, Attur Town, Salem Dt.
9. A. Murugan
S/o. R. Angamuthu,
No.226, Koodalur Main Road, Vazhapadi Post,
Salem Dt.
- 10.N. Vasandharajan
S/o. M. Natarajan,
NO.597/768, LPNV Complex, Ranipet, Attur
636102.
- 11.N. Gnanavel
S/o. M. Natarajan,
N.S. Kairasi jewelers, D.No.627/273, Ranipet,
Attur 636 102.
- 12.N. Sridhar
S/o. M. Natarajan,
No.22, Anandha St, Attur Town, Salem Dt.



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13.N.S. Padmavathi

W/o. S.K. Senthil Rajan,

No.222/135, 2nd Akraharam, Salem 1.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order and decretal order dated 11.12.2024 in IA No.17/2024 in OS No.72/2006 on the file of II Additional District Judge, Salem.

For Petitioner(s):

Mr. N.Selvaraj

For Respondent(s):

Dr.A.Thiagarajan,
Senior Advocate for
Mr.S.Aravind Raj for R1

Mr. M.R.Franlin for R12

R3 – Left

R4, R10 and R13 – no appearance

Mr. A.E.Ravichandran for R2 & R9

R7 & R8 – No such person

Mr.P.Jagadeesan for R5 & R6

R11 – Addressee cannot be located



ORDER

Challenging the impugned order passed in I.A.No.17 of 2024 in O.S.No.72 of 2006 by the learned II Additional District Judge, Salem, the Revision Petitioner/5th defendant preferred this Civil Revision Petition.

2.Before the trial court, the Revision Petitioner/5th defendant filed an application under Order XIII Rule 3 of C.P.C. permitting him to eschew the Ex.A51 xerox copy of the Will dated 17.08.2005. On hearing both sides, the said application was dismissed on considering the ratio laid down in the authority reported in *AIR 2001 (1158) DB = CTC 2002 Page No.1*, holding that the validity of Ex.A51 dated 17.08.2005 to be decided at the time of pronouncing judgment. Aggrieved over that, the revision petitioner preferred this Civil Revision Petition.

3.The learned counsel for revision petitioner/5th defendant would submit that the xerox copy of Will is not a valid document, but the said Will was filed and the same was marked as Ex.A51, which was a forged Will and the respondents 1 to 3 by colluding themselves have produced the said document and also contended that the 1st respondent failed to take any steps to produce the original Will before the trial court, without which, the xerox copy was marked as



such is not permissible under law. But, without considering the same, the trial judge had permitted to mark xerox copy of Will as Ex.A51 as such is erroneous one and liable to be set aside. Hence, he prayed to set aside the findings of trial judge.

4.The learned counsel for respondents submitted that the original Will was produced in another suit in O.S.No. 976 of 2005, which is still pending before the District Munsif, Salem.

5.Heard and considered rival submissions made on either side and perused the materials available on record.

6.Admittedly, as on date, the trial was completed and the case is posted for argument. At that stage, one of the defendants had filed the said application to eschew the Will. As on date, mere marking of document would not amount to admission of the contents is the settled proposition. Hence, the findings rendered by the trial judge holding that the validity of Ex.A51 is to be decided at the time pronouncing judgment is reasonable and justified one, which requires no interference. Therefore, at this stage, the filing of application by the revision petitioner/ 5th defendant is not sustainable one. Accordingly, this Civil Revision



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Petition is dismissed as no merit. No costs. The trial judge is directed to complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order. Consequently, connected civil miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
rpp

To

The II Additional District Judge, Salem.



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T.V.THAMILSELVI, J.

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**C.R.P.No.851 of 2025
AND
CMP No. 5080 of 2025**

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