



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

A.Nos. 3134, 3135 & 3136 of 2026

in

TOS.No. 47 of 2010

1. U.Sudha,
W/o. Mr.Mohamed Meeran,
Door No.202, Konnur High Road,
Ayanavaram, Chennai – 600 023.
2. U.Poornima,
W/o.S.Anbukrishnan,
No.11, Professor Sanjeevi Street,
Mylapore, Chennai – 600 004.

... Applicants / Plaintiffs
in all Applications

Vs.

1. J.Jothi
W/o. W.M.Jayaseelan,
No.95, 'Y' Block, 8th Street,
Anna Nagar, Chennai – 600 040.
2. K.Vijayalakshmi,
W/o. t.Kandan, Ambika Empire
No.52, Bakthavachalam Colony,
2nd Street, Vadapalani, Chennai – 600 026.

... Respondents / Defendants
in all Applications

PRAYER IN APPLICATION No.3134 of 2026 : This Application filed under Order XIV Rule 8 of O.S.Rules read with Under Section 151 of CPC, praying to reopen the plaintiff evidence in T.O.S.No.47 of 2010.

PRAYER IN APPLICATION No.3135 of 2026 :: This Application filed under Order XIV Rule 8 of O.S.Rules read with and Order XVI Rule 2 of C.P.C, praying to issue summon to first attesting witnesses namely J.Jothi, wife



of M.M.Jayaseelan, residing at Plot No.1023/2B, 6th Avenue, Annanagar, Chennai – 600 040 to prove the Registered Will executed by D.Munusamy Mudaliar registered on 30.03.1994 in Doc.No.45 of 1994 in Book No.3, Vol.41, at pages 111 to 113 within SRO Anna Nagar for examination in T.O.S.No.47 of 2010.

PRAYER IN APPLICATION No.3136 of 2026 : This Application filed under Order XIV Rule 8 of O.S.Rules read with Order XVI Rule 2 of C.P.C, praying to issue summon to the second attesting witnesses namely K.Vijayalakshmi, wife of T.Kandan, No.210, Shanmuga Nagar, Vivekananda Street, kancheepuram – 631 501 to prove the Registered Will executed by D.Munusamy Mudaliar registered on 30.03.1994 in Doc.No.45 of 1994 in Book No.3, Vol.41, at pages 111 to 113 within SRO Anna Nagar for examination in T.O.S.No.47 of 2010.

For Applicants /
Plaintiffs

: Mr.J.R.K.Bhavanantham in all Applications

COMMON ORDER

Application No.3134 of 2026 has been filed seeking to reopen the evidence of the plaintiff in T.O.S.No.47 of 2010

2. Application No.3135 of 2026 has been filed seeking to issue summons to the first attesting witness, namely J.Jothi, wife of M.M.Jayaseelan, residing at Plot No.1023/2B, 6th Avenue, Anna Nagar, Chennai – 600 040, for the purpose of examining her as a witness to prove the Registered Will executed by D.Munusamy Mudaliar registered on 30.03.1994 in Doc.No.45 of 1994 in Book



No.3, Vol.41, at pages 111 to 113, on the file of the SRO, Anna Nagar, in T.O.S.No.47 of 2010.

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3. Application No.3136 of 2026 has been filed seeking to issue summons to the second attesting witness, namely K.Vijayalakshmi, wife of T.Kandan, residing at No.210, Shanmuga Nagar, Vivekananda Street, Kancheepuram – 631 501, for the purpose of examining her as a witness to prove the Registered Will executed by D.Munusamy Mudaliar, registered on 30.03.1994 in Doc.No.45 of 1994 in Book No.3, Vol.41, at pages 111 to 113, on the file of the SRO Anna Nagar, in T.O.S.No.47 of 2010.

4. Heard the learned counsel for the applicants / plaintiffs.

5. It is submitted that the presence and examination of the aforesaid attesting witnesses are necessary for proving the execution and attestation of the Registered Will in question. The applicants have also sought reopening of the plaintiff's evidence for the said purpose.

6. It is seen that the respondents / defendants have already been set *ex parte* in T.O.S.No.47 of 2010. Therefore, no prejudice would be caused to the respondents by allowing the present applications, and notice to them is dispensed with.



7. Considering the reasons stated in the affidavits filed in support of the applications, the submissions made by the learned counsel appearing for the applicants/plaintiffs, and the fact that the respondents / defendants have already been set *ex parte*, this Court is satisfied that the relief sought for in these applications are required to be granted in the interest of justice.

8. Accordingly, application No 3134 of 2026 is allowed and the evidence of the plaintiff in T.O.S.No.47 of 2010 is reopened.

9. Application Nos.3135 and 3136 of 2026 are also allowed. The Registry is directed to issue summons to the respective attesting witnesses, namely, J.Jothi and K.Vijayalakshmi, for their appearance and examination in T.O.S.No.47 of 2010.

10. Notice to the respondents / defendants is dispensed with, since they have already been set *ex parte*.

11. Accordingly, all the three applications are allowed.

19.08.2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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K. GOVINDARAJAN THILAKAVADI, J.

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**A.Nos. 3134, 3135 & 3136 of 2026
in
TOS.No. 47 of 2010**

19.08.2026

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