



WEB COPY



A.No.3701 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2026

CORAM

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

A No. 3701 of 2026

in

O.P. No. 4 of 2024

1. Dr.A.Thomas Eapen
S/o.Late A.E.Thomas,
No.288, New Street,
Ayyavoo Naidu Colony,
Aminjikarai, Chennai - 600 029.
2. Dr.A.Thomas George
S/o.Late A.E.Thomas,
No.18, Old No.12, 4th Lane,
Nungambakkam High Road,
Chennai - 600 034.

..Applicant(s)

Vs

1. Leela Joy @ Sosamma Joy and 3 Others
W/o.Late Mr.Joy Samuel,
Plot No.40, 2nd Street,
Kothari Nagar, Ramapuram,
Chennai - 600 089.
2. Gracy Simon
W/o.Late T.S.Simon,
Plot No.2859, Y, 3rd Street,
12th Main Road,
Anna Nagar, Chennai - 600 040.
3. Shantha Abraham @ Mary Abraham
W/o.Late C.T.Abraham,
W-406, 1st Street, C Sector, Thirumangalam,
Anna Nagar Western Extension,



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Chennai - 600 101.

4. Saramma Paul @ Shyla Paul
W/o.Mr.C.Paul Tharakan,
New No.136, 6th Cross Street,
Collectorate Colony,
Aminjikarai, Chennai - 600 029.

..Respondent(s)

PRAYER: To permit the Applicants to examine Mrs.Roopa Cherian,as third party witness acquainted with the handwriting/signature of the Testator and the attesting witnesses and to adduce legally permissible evidence for proving the execution and attestation of the Last Will and Testament dated 24/05/1989 registered as Document No.75 of 1989, in Book III, in the office of the Joint Sub Registrar II, North, Chennai and codicil dated 08/09/1993, registered as Document No.85 of 1993 in Book III, in the office of Joint Sub Registrar II, North Chennai in view of the death of the attesting witnesses.

For Applicant(s): M/S.V. Manisekaran
L.Kishore
S.Balasubramanian
S.Lakshmi

For Respondent(s): R2- Gracy Simon
R3- Shantha Abraham @ Mary Abraham
R4- Saramma Paul @ Shyla Paul

ORDER

This application has been filed to permit the Applicants to examine Mrs.Roopa Cherian, as third party witness acquainted with the



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handwriting/signature of the Testator and the attesting witnesses and to adduce legally permissible evidence for proving the execution and attestation of the Last Will and Testament dated 24/05/1989 registered as Document No.75 of 1989, in Book III, in the office of the Joint Sub Registrar II, North, Chennai and codicil dated 08/09/1993, registered as Document No.85 of 1993 in Book III, in the office of Joint Sub Registrar II, North Chennai in view of the death of the attesting witnesses.

2. Heard the learned counsel for the applicant and it is seen that all the respondents have given consent affidavits to the original petition filed by the applicants / petitioners.

3. The applicants seek leave to examine Mrs.Roopa Cherian as a third party witness to prove the execution and attestation of the Will and codicil, as both attesting witnesses have died. The originally proposed witness, Dr.Abbey Abraham, grandson of the testator is residing and practising in UAE and since his repeated travel to India would cause professional hardship, it is intended to examine Mrs.Roopa cherian, who is acquainted with the signatures of the testator and attesting witness to prove the Will. Hence, this application has been filed.



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4. Considering the reasons stated in the affidavit filed in support of this application, this application is allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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