

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.1337 of 2017

Order:

The petitioner has come up with the above revision petition challenging the order of the trial Court rejecting an application to summon the Sub Registrar for the production of a registered Will.

2. Heard Mr. M.M.M. Srinivasa Rao, learned counsel for the petitioner.

3. The case between the petitioner and the respondent is one under the Andhra Tenancy Act. All that the petitioner wants to prove by summoning the Sub Registrar for production of the Will executed by his wife is to show that his wife was not well. But admittedly, the petitioner's wife is still alive. Therefore, the Will has not come into force.

4. The Will, assuming that it contains a statement that the petitioner's wife is not well, is of no evidentiary value with regard to the ailments suffered by the petitioner's wife. At the most, what would be contained in the Will is a self-declaration of the petitioner's wife about her health condition.

5. The only way of proving the ill health of a living person is to produce or summon the production of the medical records and not the self-declaration made in a Will. Hence, the civil revision petition is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

30th June, 2017.
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