

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2019

CORAM:

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

**C.R.P. (PD).No.987 of 2018 &
CMP.No.5266 of 2018**

Ramakrishna Karthi @ Karthi ... Petitioner

Vs.

1. Su. Rajendran
2. R. Prathipa
3. K.R.Guganraja
4. P.Muthuswamy
5. Malleswari @ Mallika
6. Loganayaki ... Respondents

Prayer: Civil Revision Petition filed under Section 151 CPC, to set aside the fair and final order passed in I.A.No.145 of 2017 in O.S.No.146 of 2014 on the file of I Additional Subordinate Judge, Erode.

For Petitioner : Mr.A.Sundaravadhanam

ORDER

The 2nd defendant is the Revision Petitioner before this Court.

2. He filed a petition under Order 11, Rule 14 r/w. Section 151 CPC to direct the respondents/plaintiffs to produce an Exchange Deed

dated 22.06.2005 . to prove the signature of the deceased P.Duraisamy in the Will dated 25.1.2007 executed in favour of the petitioner which is under the possession of the plaintiff, for the purpose of proving his case. In fact, the petitioner rest his case on the basis of Will.

3. The trial Court has rightly found that the onus is on the petitioner to prove the execution and genuineness of the Will in the manner known to law as laid down in Section 68 of the Evidence Act. If the attestors could not be examined, then he could prove the Will through additional evidence. Therefore, I do not find any infirmity in the order passed by the trial Court. The Civil Revision Petition is dismissed. No costs. Consequently, connected CMP.No.5266 of 2018 is closed.

4. It is always open to the petitioner to revive his petition for additional evidence after examining the attesting witness.

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Speaking Order/Non Speaking Order

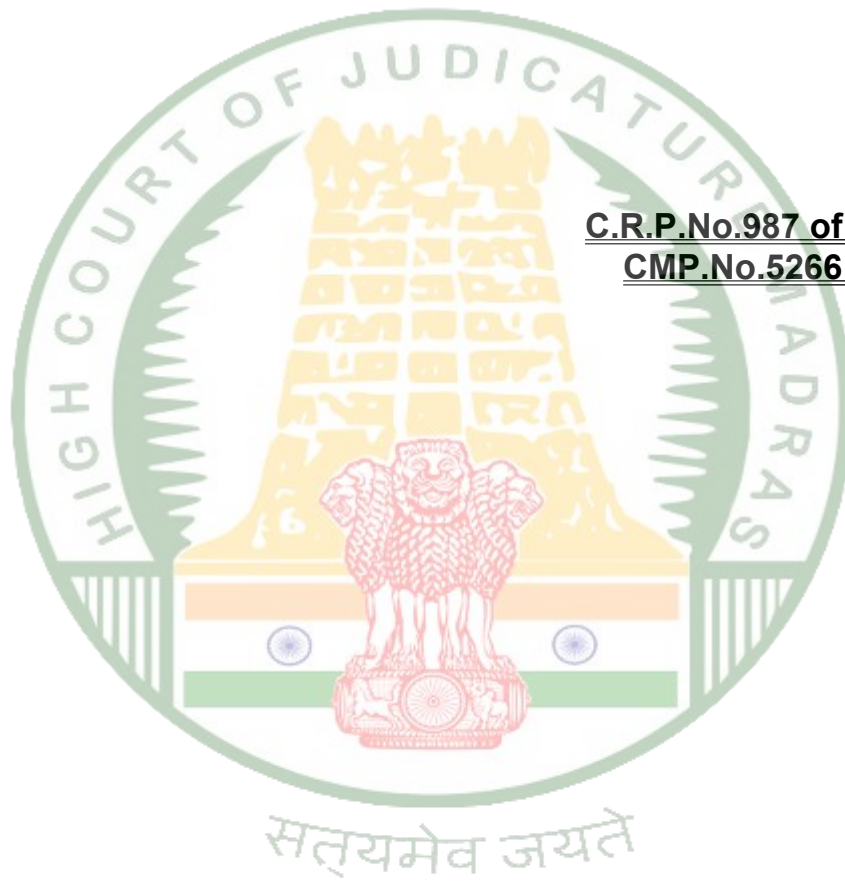
Index : Yes/No

msr

To

The I Additional Subordinate Judge, Erode.

M. GOVINDARAJ,J.



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