

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 10th DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.Nos.4016 and 4017 of 2019
in

TOS.NO.4 OF 2013

In the matter of the Indian
Succession Act XXXIX of 1925
and

In the matter of the Certified
copy of Last Will and Testament
of R.Murugesan @ Murugesu Mudaliar
deceased

1.Bhanumathi,
2.Vairam @ Vairamani,
3.Parvathi @ Parvathi Ammal ...Petitioners/Plaintiffs

-vs-

1.Geetha,
W/o.Lakshmi Kandan

2.Mohana
***3.Hemalatha**

**The Defendants 2 and 3 attained
Majority and the 1st Defendant
mother is discharged from the her
guardianship as per order
dt 24.04.2018 in A.No.3595 & 3596/2018**

*** Name of the 3rd Defendant and
the husband name of the 1st Defendant
has been amended as per order
dated 19.06.2013 in A.No.1618/203**

**** This amendment is carried out
on 07.12.2018**

...Caveators/Defendants

A.Nos.4016 & 4017 of 2019:

1.Geetha,
W/o.Lakshmi Kandan

2.Mohana,
W/o.Late Lakshmikandan

3.Hemalatha,
D/o.Late Lakshmikandan

all are residing at
No.9, T.H.Road,
Kodungaiyur,
Chennai 600 081

...Petitioners/Defendants 1 to 3

-vs-

1.Mrs.Bhanumathi,
W/o.Mr.Balu,
2,55th Avenue, Sadras West,
D.A.E.Township,
Kalpakkam PO,
Kancheepuram District

2.Mrs.Vairam @ Vairamani,
W/o.Mr.Krishnan,
12/28, Thandiar Nagar 3rd Street,
Tondiarpet, Chennai 600 081

3.Parvathi @ Parvathi Ammal,
W/o.Mr.Mohan,
17, Anna Salai, Chenniamman Nagar,
Tondiarpet, Chennai 600 081

सत्यमेव जयते

...Respondents/Plaintiffs 1 to 3

A.No.4016 of 2019:

This Application praying that this Honble Court be pleased to issue direction to re-open the P.W.-1/st Plaintiff -Mrs.Bhanumathi, for further cross examination, on the date fixed by this Honble Court in the above T.O.S.NO.4/2013.

A.No.4017 of 2019:

This Application praying that this Honble Court be

pleased to issue direction to recall the P.W.1/1st Plaintiff -Mrs.Bhanumathi, for further cross examination, on the date fixed by this Honble Court, in the above T.O.S.No.4/2013.

These Applications coming on this day before this Court for hearing the Court made the following order:

These applications have been filed seeking to reopen and recall P.W.1 for cross-examination. The main reason that is averred for seeking reopening of the evidence is that the notices to produce issued by the defendants were not answered by the plaintiff till completion of cross-examination.

2. The notices to produce related to production of documents in the suit for partition said to have been initiated by the defendants, before the City Civil Court and a so called unregistered settlement deed, which is said to have been executed by the testator. Both the above reasons, in my opinion do not constitute a valid reason for reopening the evidence of P.W.1 for further cross-examination. The proceeding that is pending is a Testamentary Original Suit, wherein the only question that is to be decided is whether the Will is true or not. The pendency of the partition suit and the execution of the unregistered settlement deed by the testator do not, in my opinion, have a bearing on the issues to be decided in the

Testamentary Original Suit. Hence, I do not see any reason for reopening the evidence of P.W.1 or recalling P.W.1, hence these applications are dismissed.

3. The Registry is directed to post the suit, before the learned Additional Master III, on 22.07.2019, for continuation of evidence.

Sd/.R.S.M.J

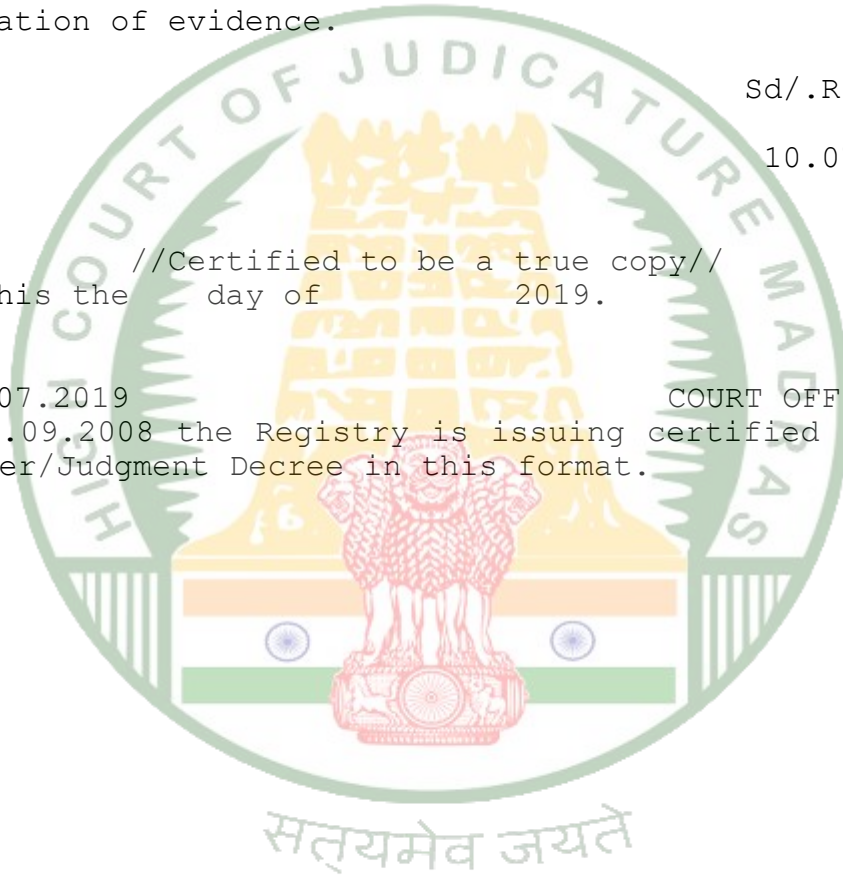
10.07.2019

//Certified to be a true copy//
Dated this the day of 2019.

R.s/16.07.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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