IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on	26.02.2020
Judgment pronounced on	29.05.2020

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

T.O.S.No.47 of 2013
and
C.S.No.722 of 2018

T.O.S.No.47 of 2013

1.R.Subramaniam @ Mani
2.Malathi Kumar ... Plaintiffs

vs.

R.Surendran ... Defendant

C.S.No.722 of 2018

R.Surendran ... Plaintiff

vs.

1.Mrs.Savithri Ramachandran
2.Mrs.Uma Ganesan
3.S.Rajagopalan(Died)
4.Dr.S.Sankaran
5.Mrs.S.Visalakshi(Died)
6.M.S.Swaminathan (Died)
7.M.S.Padmanaban

8.M.S.Mani
9.Col.M.S.K.Moorthy
10.Mrs.Kamakshi Ramamoorthy
11.V.Ramanathan (Died)
12.C.Vijayakumar
13.C.K.Kumar
14.C.Srinivasan
15.Prasad Mani
16.Syamala Ravi
17.Mrs.S.Usha Krishna Kumar
18.Mrs.Nirmala Reddy
19.V.Krishnan(Died)
20.Mrs.Kamala(Died)
21.R.Subramanian @ Mani
22.Banumathy Iyer
23.Malathy Kumar
24.R.Vijayalakshmi
25.Kamakshi Sridharan
26.R.Uma Shankar
27.R.Indira
28.Sakunthala Ramanathan
29.Mrs.Visalam Swaminathan
30.Mrs.Thangamani Krishnan
(Amended as per order dated 01.02.2008
in I.A.No.1728 of 2008)
31.S.N.Kishore Kumar
(impleaded as per order dated 21.11.2012
I.A.No.17405 of 2012)
32.G.K.Sankaran
33.R.Vaidiyanathan
34.R.Natarajan
35.R.Swaminathan
(Amended as per order dated 27.01.2014
in I.a.No.16316 of 2014)
36.S.Ravichandran
(Impleaded as per order dated 01.03.2018 in
I.A.No.13192 of 2016 ... Defendants

Prayer in T.O.S.No.47 of 2013: Testamentary Original Suit filed under Sections 232 and 276 of the Indian Succession Act 1925 and Order XXV Rule 5 of Original Side Rules, praying to issue Letters of Administration with the certified copy of the Will and Codicil may be granted to them as the beneficiaries under the Will of the said deceased having effect limited to the State of Tamil Nadu.

Prayer in C.S.No.822 of 2013: The suit is filed under under Order VII Rule 1 of C.P.C. for declaration declaring that the Plaintiff is entitled to 4/18th share in the suit "A" Schedule Properties and 1/27th share in suit "B" schedule properties; direct division of the same by metes and bounds; direct the third Defendant to render accounts of income and expenditure of "B" schedule property from 1990 to the Plaintiff and for costs.

For Plaintiff(s)/Defendants : Mr. G.Rajan for
R.Rajarajan
(Plaintiffs in TOS.No.47 of 2013 and
Defendants in C.S.No.722/2018)

: Mr.V.K.Vijayaraghavan
(Defendant in TOS.No.47 of 2013 and
Plaintiff in C.S.No.722/2018)

COMMON JUDGMENT

The patriarch of the family, C.R.Subramania Iyer (Subramania Iyer), and his wife, S.Balammal (Balammal), had four sons and six daughters. One of the four sons was Ramachandran. Ramachandran's son is R.Surendran (Surendran), who is the Plaintiff in C.S.No.722 of 2018. C.S.No.722 of 2018 was originally filed as O.S.No.4271 of 1998 before the XIII Assistant Civil Civil Court, Chennai. The first Defendant in C.S. No.722 of 2018 is Surendran's mother and the second Defendant is his sister. The other Defendants are the other descendants of Subramania Iyer and Balammal. The suit is filed on the basis that the "A" and "B" Schedule property are undivided properties that were not subjected to an earlier partition and that the owner of the "B Schedule property, Balammal, died intestate. Therefore, the suit is for a partition and for a declaration that the Plaintiff is entitled to 4/18 share in the "A" Schedule property and 1/27th share in the "B" Schedule property. In addition, rendition of accounts in respect of the "B" Schedule property and division of the "A & B" Schedule properties by metes and bounds is prayed for. Subramania Iyer and Balammal had another son, S.Rajagopal (Rajagopal). Rajagopal had two sons and six daughters. One of the sons, R.Subramanian(Subramanian), and one of the daughters, Malathi Kumar (Malathi), filed O.P.No.633 of 2010 for the grant of letters of administration by propounding a registered Will and Codicil of Balambal dated 20.01.1961 and 01.05.1961, respectively, both bearing Document No.8 of 1963 on the file of the SRO, North Madras, whereby she had bequeathed the properties situated in the villages of Thirumangalakudi and Thiruvelangadu at Thanjavur District in favour of her two sons, namely, Rajagopal and Dr.S.Sankaran (Sankaran), subject to the payment of specific sums to the daughters and daughters-in-law from and out of the sale proceeds or otherwise, with the right to retain the residue. In addition, she had bequeathed the property described in the “B” schedule to the partition suit to the above mentioned two sons subject to the condition that they will not sell or alienate the property during their lives and also subject to the payment of an annuity of Rs.500 from the rent derived from the property to her daughter-in-law, Savithri, and after the life time of the last of the two sons to their children absolutely. The Respondents in O.P. No.633 of 2010 were the other descendants of Subramania Iyer and Balammal. Surendran was the 11th Respondent therein. He lodged a caveat and decided to contest the testamentary proceedings. On that basis, O.P. No.633 of 2010 was converted into T.O.S. No.47 of 2013 and the only contesting party is Surendran. Both the suit for partition and the testamentary suit were ordered to be disposed of jointly. Subramanian was examined as P.W.1 in the testamentary suit and Exhibits P1-P24 were exhibited. On subpoena, G.Vani, Joint-1, Sub-Registrar, North Madras, was examined as P.W.2. Surendran was examined as D.W.1. Each witness was cross-examined by the learned counsel for the counter party. Surendran was examined as P.W.1 in the partition suit and 48 documents were exhibited through him as Exhibits A1-A48. Eventually, final arguments were heard in both these suits jointly.

2. I heard the learned counsel, Mr.G.Rajan, for the Plaintiff in T.O.S. No.47 of 2013 and Defendants 21 to 27 in C.S. No.722 0f 2018 and the learned counsel, Mr.V.K.Vijayaraghavan, for the sole Defendant in T.O.S. No.47 of 2013 and for the Plaintiff in C.S.No.722 of 2018.

3. The learned counsel for the Plaintiff in T.O.S. No.47 of 2013 opened his submissions by referring to the genealogy in respect of the family of the late Subramania Iyer and Balammal. In specific, he pointed out that the Plaintiffs in the testamentary suit are Subramanian and Malathi, i.e. two of the children of Rajagopal, who was the son of Subramania Iyer. The Defendant in

the testamentary suit, namely, Surendran, is the son of the late Ramachandran, who was another son of Subramania Iyer and Balammal. As regards the “A” Schedule property in C.S.No.722 of 2018, he pointed out that this was originally a part of the ancestral properties of Subramania Iyer. The said Subramania Iyer had four sons, namely, Natarajan, Ramachandran, Rajagopal and Sankaran. Out of the four, Natarajan relinquished his interest in favour of the other brothers and died without children and another brother, namely, Ramachandran, who is the father of Surendran, deserted the family a long time ago. Consequently, Surendran was taken care of by his paternal uncle, Rajagopal. The last brother, Sankaran, lived in the United Kingdom until his death.

4. He contended that a partition took place on 18.03.1960. This was a final partition and the joint family ceased to survive thereafter. As regards the “A” schedule property, after the partition, it was enjoyed by Rajagopal in his individual right and he obtained a patta in respect thereof under Ex.A4 dated 02.09.1971. In the absence of the continuity of the joint family, the Plaintiffs and the other legal heirs are not entitled to shares in the suit “A” schedule property. As regards the “B” schedule property, Balammal

executed a registered Will dated 20.01.1961 bearing Document No.8 of 1963 on the file of the SRO, North Madras (certified copy: Ex.P2), whereby she bequeathed the properties mentioned in the "B" schedule and also the properties situated in the villages of Thirumangalakudi and Thiruvelangadu at Thanjavur District in favour of her two sons, namely, Rajagopal and Sankaran, subject to the payment of an annuity and maintenance to the daughters and daughters-in-law. A Codicil dated 01.05.1961 (certified copy: Ex.P3) was executed in respect of the said Will whereby the original bequest of the property by way of limited interest to the said Rajagopal and Sankaran was enlarged as an absolute estate subject to the payment of annuities and maintenance to the daughters and daughters-in-law and Rajagopal was appointed as executor of the said Will. The said Will and Codicil were deposited by Balammal during her life time before the SRO, North Madras. After her life time, the said Will and Codicil were opened at the instance of the scribe, K.N.Balasubramaniam, Senior Advocate, and the recitals found in the Will and Codicil were reduced into writing in Book No.3 and the original Will was kept in the custody of the District Registrar as per the provisions of the Registration Act,1908 (the Registration Act).

5. He further submitted that the Will was acted upon and the properties situated at Thirumangalakudi and Thiruvelangadu were disposed of and the daughter-in-law was paid an annuity and the daughters and daughter-in-law were paid the amounts stipulated in the Will and Codicil to the knowledge of all the parties, including the Plaintiff in the partition suit, namely, Surendran. Since the relationship between the family members was cordial, and maintenance and annuity were properly paid by disposing of the properties at Thirumangalakudi and Thiruvelangadu, probate was not obtained so as to avoid unnecessary expenses. With regard to the "A" schedule property, possession thereof remained with Rajagopal and Defendants 21 to 27 in the partition suit and they perfected their title by being in open, hostile and continuous possession of the same for over four decades. Consequently, title is claimed by way of adverse possession also.

6. On the first issue as to whether the "A" schedule property is an ancestral property or the individual or separate property of Rajagopal, the learned counsel submitted that Surendran admitted that the joint family property was partitioned in the year 1960 under the registered Partition Deed dated 18.03.1960, which is marked as Ex.A3 in the partition suit. Once the joint

family property was divided and there was a severance among the coparceners, the coparcenary does not survive unless there is a reunion after partition. In the present case, Surendran failed to even plead that such reunion took place or that the partition was re-opened and the burden of proof was on him. In support of the aforesaid contentions, he relied upon the judgment of the Privy Council in **Musammat Jatti v. Banwary Lal, AIR 1923 PC 136** and that of the Hon'ble Supreme Court in **Bhagwan Dayal v. Reoti Devi (Deceased) AIR 1962 SC 287**. The father of the Defendants 21 to 27, namely, the late Rajagopal applied for and obtained a patta from the Assistant Settlement Officer, Thanjavur, in his individual name and the said patta is marked as Ex.A4 in the partition suit. The grant of patta in the individual name of Rajagopal itself is clear proof that the suit "A" schedule property is a separate property and not a joint family property. Therefore, the "A" schedule property is the individual property of Rajagopal and not an ancestral property.

7. With regard to the Will dated 09.01.1961 and Codicil dated 01.05.1961, according to the learned counsel, the preliminary question is whether the delay in filing the petition for the grant of letters of administration was explained properly. As per Order 25 Rule 9 of the O.S. Rules, whenever

there is a delay of more than three years in applying for the grant of probate or letters of administration, the delay is required to be explained. In the present case, the propounders of the Will contend that the reason for the delay is the cordial relationship that existed among the legal heirs of the testatrix. In fact, the properties at Thirumangalakudi and Thiruvelangadu, which are the subject matter of bequest under the Will, were sold under Ex.P9 to Ex.P15 and maintenance and the annuity, as per the Will and Codicil, were paid to the daughters and daughters-in-law from the sale proceeds thereof as evidenced by Ex.P8. None of the daughters or daughters-in-law, including the mother of Surendran, entered appearance and refuted the receipt of maintenance or annuity. In view of the fact that there was no dispute with regard to the disposition of two properties, which were bequeathed under the Will, and in light of the fact that the obligations imposed under the Will were also discharged, the executor, Rajagopal, did not apply for grant of probate so as to avoid unnecessary expenses. The Will and Codicil are registered instruments and were not questioned for nearly 35 years until Surendran filed the partition suit in the year 1998. Shortly after the partition suit was filed, the executor, Rajagopal, died in the year 1999. The mother of the Defendants 21 to 27 died in the year 2007. Defendants 21 to 27 filed their written statement in the partition suit in the year 2006. At that time, they did not know about the deposit of the original Will before the Registrar under Section 42 to 45 of the Registration Act and, therefore, searched in vain for the original Will and this resulted in the delay in filing the O.P.

8. After dealing with the issue of delay, the learned counsel pointed out that the principal question that arises is whether the said Will and Codicil are true, genuine and valid. On the manner of proving the Will and Codicil, the learned counsel contended that the Indian Succession Act, 1925 (the Succession Act) and the Indian Evidence Act, 1872 (the Evidence Act) provide considerable latitude. In this case, admittedly, both the attesting witnesses were dead by the time the O.P. was filed. Therefore, the Plaintiffs in the testamentary suit were required to prove the Will by any other acceptable evidence. In the absence of the attesting witnesses, Section 69 of the Evidence Act enables the propounder to prove the Will by establishing the handwriting or signature of the testator and the attesting witnesses. However, this is only enabling and not mandatory. In fact, as per under Section 71 of the Evidence Act, the Will can be proved by other evidence even if the attesting witness denies the execution of the Will or does not recollect such execution. In view of

the fact that the Will and Codicil of Balammal are registered, the propounder of the Will is entitled to the presumption under Section 114 of the Evidence Act. The Plaintiffs in the testamentary suit adduced evidence through the Joint-1, Sub-Registrar, North Madras, who stated that the original Will is not in the custody of the District Registrar because it was removed to Court. However, the Joint-1, Sub-Registrar was unable to state as to when and to which Court the original Will was taken. Therefore, the certified copy of the Will dated 09.01.1961 and Codicil dated 01.05.1961 were obtained from the Sub Registrar's Office and marked as secondary evidence under Section 65 of the Evidence Act. Once the certified copy of the Will and Codicil are admitted as secondary evidence, the Court should proceed on the premise that the original documents are before the Court. By relying upon the judgment in **Kalidindi Venkata Subbaraju v. Chintalapati Subbaraju**, **AIR 1968 SC 947,** the learned counsel for the Plaintiff in the testamentary suit submitted that the Hon'ble Supreme Court accepted the proposition that the Will could be proved through circumstantial evidence especially when the Will was acted upon and the disposition under the Will was natural. In this case also, he contended that the certified copy of the Will was produced from the registering authority, the properties at Thirumangalakudi and Thiruvelangadu were sold by Rajagopal as the executor of the Will and on the basis thereof. The sale proceeds were used for the purpose of payment of maintenance and annuity to the daughters and daughters-in-law as evidenced by Ex.P8 series. The sale deeds, which were executed by the executor, were not questioned or challenged till date by any one, including Surendran. The Plaintiff in the partition suit had suppressed the existence and sale of the properties at Thirumangalakudi and Thiruvelangadu. Apart from Surendran, no other legal heirs of Balammal disputed or challenged the execution of the Will by lodging a caveat. Therefore, upon consideration of the totality of circumstances, the Will and Codicil stand proved on the basis of circumstantial evidence. In this regard, the learned counsel referred to and relied upon the judgment of the Punjab and Haryana High Court in **Gurbux Singh v. Bishan Dass Kaul Dass**, **AIR 1970 Punjab 182,** and the decision of this Court in **Dhanapal Chettiar v. Govindaraja Chetty**, **AIR 1961 Madras 262**. On this basis, he concluded his submissions by stating that the Will of Balammal had been proved in accordance with law. Consequently, T.O.S.No.47 of 2013 is liable to be allowed and C.S.No.722 of 2018 is liable to be dismissed.

9. On the contrary, the learned counsel for the Plaintiff in the partition suit and the sole defendant in the testamentary suit made the following submissions. As regards the "A" schedule property, he submitted that it is an ancestral property, which belonged to the Plaintiff's grand father, the late Subramania Iyer. One of his sons, namely, Natarajan, executed a release deed dated 29.04.1930[Ex.A2 in the partition suit]. Therefore, the remaining three sons, including Surendran's father, became entitled to a 1/3rd share each. The Plaintiff and Defendants 1 and 2 lived in Door No.14, whereas Subramanian's father and their family lived in Door No.15. The share of the Plaintiff is 4/18 as regards the schedule "A" properties. After the filing of the suit, the Plaintiff's mother, namely, the first Defendant died on 05.10.2013. Consequently, her 1/18 share in the suit "A" schedule property devolved on the Plaintiff. Thus, the Plaintiff is entitled to 4/18 + ½ of 1/18 share in the "A" Schedule property. In order to prove the entitlement to the "A" schedule property, the Plaintiff filed Ex.A4 to Ex.A44 in the partition suit. Ex.A4 is the patta issued by the Assistant Settlement Officer, Thanjavur, to the third Defendant. Ex.A5 is the survey land record and resettlement register dated 18.06.1999. A perusal thereof would show that the Plaintiff's grand father was the owner of the land comprised in TD.No.1032. Ex.A6 to Ex.A12 are the property tax notices issued by the

Kumbakonam Municipality for the period: 31.03.1945 to 1984. These property tax notices are in the name of Ramachandran and brothers. The notices relate to Door No.14 of the suit "A" schedule property. Ex.A13 to Ex.A38 are property tax receipts issued by the Kumbakonam Municipality. These receipts are also in the name of Ramachandran and his brothers for the period: 1985 to 2008. Ex.A39 is an order passed by the Kumbakonam Municipality in a house tax appeal, which was filed by the Plaintiff in the partition suit. Ex.A40 is a letter dated 26.03.1990 sent by the Plaintiff to the third Defendant and the Commissioner, Kumbakonam Municipality. Ex.A43 is the decree copy in O.S.No.433 of 2001 and Ex.A44 is the judgment in the above suit filed by the Plaintiff. The Plaintiff and the Defendants 1, 3 and 4, represented by his power of attorney agent, Surendran, sold their share in the "A" schedule property during the pendency of the suit to the 36th Defendant. The registered sale deeds in favour of the 36th Defendant are marked as Exs.A46 to Ex.A48. Therefore, the 36th Defendant is entitled to equity in the property. In order to substantiate this contention, he relied on paragraph 14 of the judgment of a Full Bench of this Court in **Babburu Basavayya v. Babburu Guruvayya, AIR 1951 Mad 938,** wherein it was held that the rights of parties have to be adjusted at the time of the final decree, including the allotment of alienated land to the share of the alienor. As regards the patta issued to Rajagopal, the said patta was issued on the basis that the "A" schedule property is the ancestral property of the four sons of Subramania Iyer and not in the individual capacity. The Plaintiff in the partition suit was examined as P.W.1. He was not cross examined by the Defendants 21 to 27 in spite of several opportunities being provided for such cross examination. In the year 1960, some of the ancestral properties were partitioned under a registered partition deed dated 18.03.1960 between Surendran, and his paternal uncles, Rajagopal and Sankaran. However, the suit "A" Schedule property was not included in the said partition. The family of Surendran and also that of Rajagopal continue to reside in the suit "A" schedule property. On that basis, Surendran filed the partition suit. As regards the suit "B" schedule property, it belonged to Balammal, who is the late wife of the late Subramania Iyer. According to Surendran, Balammal died intestate in the year 1963 and, therefore, the sons and daughters of Balammal are entitled to an equal share in the "B" schedule property. Accordingly, Surendran has prayed for a 1/27 share in the "B" schedule property.

10. As regards the validity and genuineness of the Will dated 20.01.1961 and the Codicil dated 01.05.1961, the learned counsel for the Defendant in the testamentary proceedings submitted that the Will was attested by two persons, namely, P.Varadharajulu Naidu, and his son Achuthan. Both of them resided in the "B" schedule property. The suit "B" schedule property was a large house in an extent of three grounds 1770 sq.ft. The scribe of the Will, namely, the late K.N.Balasubramanian and his mother, Leelavathy, were in occupation of the house for many years. In the Will, it is stated that the sons of the testatrix, namely, Rajagopal and Sankaran, should take the house, namely, the "B" schedule property subject to the condition that they do not sell or alienate it during their life time. It is further specified therein that from the rental income, the first Defendant in the partition suit should be paid an annuity of Rs.500/- during her life time. Out of the sale proceeds of the lands at Thirumangalakudi and Thiruvelangadu in Thanjavur District, a sum of Rs.10,000/- was to be paid to the testatrix's daughters, namely, Visalakshi and Savithri. In addition, Kamalam, Jayalakshmi, Leelavathy and Padmavathy and the daughters-in-law, Kamala and Savithri, were to be paid a sum of Rs.5,000/- each. As per the Codicil dated 20.05.1961, the "B" schedule property was bequeathed absolutely to the children of the two sons after the death of both of

them. The sale proceeds of the lands at Thanjavur were to be utilised to meet the estate duty charges and probate charges. The propounders of the Will have not produced any evidence or record to show that the estate duty was paid. The Will was not probated during the life time of the executor, Rajagopal. In the partition suit, the suit summons was served on 07.08.1998 and Rajagopal filed the vakalat on 15.09.1998. However, he did not take any steps to probate the Will during his life time and no reason or explanation has been offered with regard to the same.

11. The learned counsel made the following additional submissions to challenge the Will. He submitted that the Will and Codicil were created fraudulently by Rajagopal and the Senior Advocate, K.N.Balasubramanian. Though they are registered documents, the propounder is required to prove the Will by adducing evidence through at least one attesting witness. For the principle that the evidence of the Joint-1, Sub-Registrar is inadequate, he referred to and relied upon the judgment in **Bhagwan Kaur v. Kartar Kaur, (1994) 5 SCC 135.** The O.P. was filed several decades after the testatrix died. Consequently, the attesting witnesses were not to be found when the Petition was filed. Even after the death of the testatrix, the existence of the Will and

Codicil were not disclosed to the members of the family. The other legatee under the Will, namely, Sankaran, settled in the United Kingdom and he has not claimed any rights on the basis of the Will. The original Will and Codicil are not before the Court. No evidence was adduced to show that the testatrix went to the Sub Registrar's Office to deposit the Will. On this issue, he relied upon the judgment of this Court in **Ravichandran v. Thulasiammal, 2019-4-L.W. 848.** Even though the scribe, K.N.Balasubramanian, was a reputed lawyer, who was designated as a senior counsel some time in 1980, he did not advise the executor to obtain probate. In fact, he was in occupation of the "B" schedule property along with his mother until his death. The evidence shows that Rajagopal and K.N.Balasubramanian were close to each other. Although the sale of the Thanjavur lands was made purportedly in exercise of rights conferred by the Will, the learned counsel contended that the sales were invalid inasmuch as the executor had no right to sell without first obtaining a probate. For this principle, the learned counsel relied on the judgment in **Hem Nolini Judah v. Isolyne Sarojbashini Bose, AIR 1962 SC 1471,** wherein the implications of Section 213 of the Succession Act were elucidated. Besides, he submitted that the sale proceeds were not used to probate Exs.P1 and Ex.P2. The sale deeds in respect of the lands at Thirumangalakudi and Thiruvelangadu, namely, Exs.P9 to P15, indicate that the said lands were ancestral properties of Rajagopal. The alleged receipts in respect of the payment of maintenance and annuity are denied. These receipts relate to the period, 01.07.1963 to 01.11.1971, but they were not marked as exhibits during the life time of the first Defendant in the partition suit. In fact, the said first Defendant was not paid annually until her death. Subramanian, the son of Rajagopal, was examined as P.W.1 in the testamentary suit and he admitted that he has no knowledge of these receipts.

12. As stated earlier, the learned counsel pointed out that neither of the attesting witnesses were examined in the testamentary suit. Instead, G.Vani was examined as P.W.2. She admitted that the original Will was not available in the safe custody of the District Registrar. On the directions of the Court, K.K.Manjula, District Registrar, filed an affidavit before the Court stating that the Will was taken or removed to Court. However, she was unable to state the case number or the Court to which the Will was removed. Thus, the original Will and Codicil were not filed; the deposit of the Will and Codicil by Balammal was not proved; neither of the attesting witnesses were examined; the directions in the Will to pay annuity and maintenance were not complied

with; the receipts in Ex.P8 series were not proved to be signed by the first Defendant; the scribe, K.N.Balasubramanian, did not advise the third Defendant to obtain a probate; although the Will stipulated that the lands in Thanjavur District should be sold to meet the estate duty and probate expenses, the sale proceeds were not used for such purpose; and no proof was filed to show that estate duty was paid.

13 Based on the foregoing, the learned counsel for the sole Defendant in the testamentary suit submitted that the Will has not been proved in accordance with law. In contrast, he submitted that it has been duly proved that the suit schedule properties in the partition suit are the ancestral properties of the late Subramania Iyer and Balammal, and that they were not partitioned earlier. Accordingly, the Plaintiff is entitled to a preliminary decree in the partition suit.

14. I considered the submissions of the learned counsel for the respective parties and examined the evidence and records carefully.

15. Upon consideration of the pleadings, this Court framed the following issues in the testamentary suit:

(1) Whether the Will dated 20.01.1961 and Codicil dated 1.5.1961 executed by S. Balambal is true and genuine?

(2) Whether the plaintiffs are entitled to a decree granting Letters of Administration with the certified copy of the Will and Codicil?

(3) Relief and cost?

16. I propose to first deal with the testamentary suit and the first two issues framed therein. The propounders of the Will dated 09.01.1961(Ex.P2) and the Codicil dated 01.05.1961(Ex.P3) state that both these documents were attested by Varadharajulu Naidu and Achuthan. It is stated that the testatrix, Balambal, deposited the Will and Codicil in a sealed cover with the Sub-Registrar, North Madras, as per the Registration Act. It is further stated that the scribe of the Will, Mr. K.N. Balasubramanian, applied for taking the Will and Codicil out of deposit on 02.02.1963, i.e. after the death of the testatrix, and the two documents were copied in Book 3 as Document No.8 of 1963. In addition, it is stated that neither of the attesting witnesses were found in the address given in the Will and the present occupants entertain

doubts about the existence of the witnesses. A relative of the testatrix, the late Mr.T.C.Sankaranarayanan, was requested to and filed an affidavit but he died in 2013. This is hardly surprising considering the fact that the Will and Codicil were executed in 1961 and the testatrix, Balammal, died on 09.12.1962. In effect, testamentary proceedings were initiated about 48 years after the death of the testatrix. In this connection, it is pertinent to note that there is no prescribed limitation period for the institution of testamentary proceedings but the greater the delay, the greater the suspicion. This principle was reiterated in **S.Vatsala v. K.S. Mohan, (2016) 1 LW 577** by a Division Bench of this Court.

17. Although there is no limitation period, as per Order 25 Rule 9 of the Original Side Rules, if a testamentary proceeding is instituted more than three years after the death of the testator/testatrix, the propounder of the Will is required to provide an explanation for the delay. In this case, the propounders have provided two reasons for the delay. The first reason is that the Will was acted upon both by selling the properties at Thirumangalakudi and Thiruvelangadu in Thanjavur District and also by paying maintenance and annuity to the daughters and daughters-in-law as per the Will. The relevant sale deeds with regard to the sale of the properties at Thirumangalakudi and

Thiruvelangadu have been filed as Exs.P9 to Ex.P15. Upon perusal, these documents evidence that these sale deeds were executed by Rajagopal. The recitals of the said sale deeds refer to the Will and Codicil and specify that the sale deeds were executed by Rajagopal as the executor of the Will. With regard to the payment of annuity and the one-time payments, the relevant receipts were filed as Ex.P8 series. However, these receipts are confined to the period, 01.07.1963 to 01.11.1971. Thus, Ex.P8 series do not establish that annuity was paid to the daughter-in-law, Savithri, for her entire life time. As regards the one-time payments, receipts purportedly signed by S.Savithri and S. Visalakshi for Rs.10,000 each, by Jayalakshmi, S.Leelavathi and Kamalam for Rs.5000 each and an unsigned receipt for Rs.5000 are on record. The second reason that was adduced for the belated filing of the O.P. was the desire to avoid unnecessary probate expenses. In this regard, the Will specifies that probate expenses should be borne from and out of the sale proceeds of the Thanjavur properties but the sale proceeds were not utilised for the payment of probate duty. Thus, an explanation has been provided for the delay albeit not wholly satisfactory. In particular, the explanation for filing the O.P. almost 12 years after the partition suit was filed is quite inadequate. As a corollary of such delay, neither of the attesting witnesses were examined and many persons who may have been acquainted with the signature of the testatrix and the attesting witnesses passed away, including Rajagopal, his siblings and even his sister-in-law, Savithri.

18. Nevertheless, it is necessary to examine whether the Will is valid and genuine. The learned counsel for the Plaintiffs in the testamentary suit contended that even in the absence of attesting witnesses, the Succession Act read with the Evidence Act enable the propounders to prove the Will by any other acceptable evidence. He also contended that the propounders of the Will and Codicil are entitled to rely upon the presumption under Section 114 of the Evidence Act because the Will is registered, and that such registration raises a presumption that the Will and Codicil were duly registered in accordance with all legal requirements in that regard. He also pointed out that the Will was acted upon both by selling the Thanjavur properties and also by paying the annuity and maintenance. According to the learned counsel, these facts and circumstances, when considered cumulatively, are sufficient to conclude that the registered Will and Codicil have been duly proved. These contentions should, therefore, be tested. As per Section 63 of the Succession Act, the testator or some other person in his presence and by his direction may execute a Will provided the Will is attested by two or more witnesses, each of whom saw

the testator sign the Will or saw some other person sign the Will in the presence of and under the directions of the testatrix. It further provides that each of the witnesses shall sign the Will in the presence of the testator but it is not necessary that more than one witness should be present at the same time and no particular form of attestation is prescribed. Section 63 is required to be read along with Sections 68 to 71 of the Evidence Act. Section 68 deals with the proof of documents, which are required to be attested under law. In respect of such documents, it is specified therein that such documents shall not be used as evidence until at least one attesting witness is called for the purpose of proving its execution, if there be an attesting witness who is alive, and subject to the process of the Court and capable of giving evidence. The proviso thereto deals with registered non-testamentary instruments and is, therefore, irrelevant in this context.

19. The case of the Plaintiffs in the testamentary suit is that neither attesting witness could be found at the time of filing the O.P. They state that they could not be found at the address provided in the Will, which is the address of the B Schedule property in the partition suit. In his proof affidavit, Subramanian states that they are father and son and were tenants in the said property. Once again, the stated inability to find them is clearly attributable to

the delay in applying for letters of administration. During the cross-examination of Subramanian on 04.03.2016, he states that they were residing in the ground floor of the suit property and that Varadarajulu had been with the late Mr.K.N. Balasubramanian for 10 years. Significantly, he admitted that " for proving the signature of Balambal, these two people are alone competent." Section 69 of the Evidence Act applies whenever both attesting witnesses cannot be found as is evident from the words "if no such attesting witness can be found....". The manner of proof specified therein is that the handwriting or signature of the testator and that of at least one of the attesting witnesses should be proved by examining persons who are acquainted with the same. In paragraph 17 of the judgment of the Supreme Court in **Babu Singh v. Ram Sahai (2008) 14 SCC 754** it was held this manner of proof applies to cases where both the attesting witnesses are dead or outside the process of court or incapable of adducing evidence. In fact, it was held in paragraph 18 of the above judgment that even if the rigours of Sections 63 and 68 of the Succession Act and Evidence Act, respectively, are relaxed in cases to which Section 69 applies, the signature and handwriting, as contemplated in Section 69, must be proved. Section 71 applies in cases where the attesting witnesses deny the execution of the Will or do not recollect the execution and this provision enables the Will to be proved by other evidence. In **Jagdish Chand Sharma v. Narain Singh Saini (Dead) (Jagdish Narain)(2015) 8 SCC 615,** the Supreme Court construed Section 71 and held, inter alia, as under:

> "57.1 Viewed in premise, Section 71 of the 1872 Act has to be necessarily accorded a strict interpretation. The two contingencies permitting the play of this provision, namely, denial or failure to recollect the execution by the attesting witness produced, thus *a fortiori* has to be extended a meaning to ensure that the limited liberty granted by Section 71 of the 1872 Act does not in any manner efface or emasculate the essence and efficacy of Section 63 of the Act and Section 68 of the 1872 Act. "

Upon consideration of Sections 68, 69 and 71 of the Evidence Act, the following conclusions emerge: (i) Ordinarily, a Will shall not be used as evidence unless at least one attesting witness is called to prove its execution, if an attesting witness is alive, subject to the process of the Court and capable of giving evidence; (ii) If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence; and (iii) If no such attesting witness can be found, the document should be proved by adducing evidence with regard to the handwriting or signature of the testator/testatrix and that of at least one attesting witness. Thus, there are two gates: the first is to be used if the attesting witnesses are alive, subject to court process and capable of giving evidence. This gate could lead to the Section 71 scenario and if either of the contingencies in Section 71 are established, other evidence may be resorted to for proving the Will. On the other hand, if it is established that neither attesting witness could be found, the second gate could be used by resorting to the manner of proof specified in Section 69.

20.Given that the attesting witnesses could not be found when the O.P. was filed, the method of proof specified in Section 69 is applicable and the propounders were required to prove the signatures/handwriting of the testator/testatrix and that of at least one attesting witness by examining any other person who was acquainted with their signatures. In this case, an affidavit (Ex.P4) was obtained from Subramanian's maternal uncle, T.C. Sankara Narayanan, on 29.09.2008, which is much prior to the filing of the O.P., but he died in 2013 and was not examined in the case. No person who is acquainted with the signatures of the testatrix or the attesting witnesses was examined. Instead, the Plaintiffs in the testamentary suit rely upon the fact that the Will is registered and was acted upon and contend that the same constitutes secondary evidence. In effect, the contention of the learned counsel for the propounders of the Will is that Sections 68, 69 and 71 are not exhaustive and that a Will can be proved through other evidence even if Section 69 applies. This contention appears to be contrary to the conclusion in **Jagdish Chandra** that Section 71 should be strictly construed and that "other evidence" should not be accepted unless one of the two contingencies in Section 71 occurs. Moreover, it would entail construing the mandatory language in Section 69, i.e. "must be proved", permissively. Such a construction would undoubtedly emasculate Section 69. Keeping in mind that a testamentary disposition could have the effect of disinheriting those otherwise entitled to succeed to the estate of the deceased by overriding the rules of inheritance and intestate succession, I see no reason to construe the mandatory language of Section 69 permissively, i.e. as prescribing merely one method of proving a Will when the attesting witnesses cannot be found. The other contention was that the propounders are entitled to the presumption under Section 114 of the Evidence Act. However, the presumption under Section 114 is limited to the fulfilment of registration requirements and does not prove execution and/or attestation. In this regard, it is pertinent to note that the Supreme Court held in paragraph 19 of **Bharpur Singh v. Shamsher Singh (2009) 3 SCC 687** that the more expansive presumption, as regards documents that are not less than 30 years old, in

Section 90 of the Evidence Act cannot be applied to a Will by impliedly applying the maxim of *generalia specialibus non derogant.* As regards registration as proof of the Will, in **Doraiswamy v. Rettinammal, (1978) 91 LW 28**, the Division Bench of this Court held that the registration of a Will is not sufficient to prove its execution or attestation. Furthermore, in this case, in contrast to the requirements of Section 45(2) of the Registration Act, the original Will is not available and the District Registrar, on affidavit, states that it was removed to court but no details are available as to when this happened or to which court.

21. The contention that the Will stands proved by being acted upon because the executor conveyed the Thirumangalakudi and Thiruvelangadu lands on that basis should be examined. As regards the validity and genuineness of the Will and Codicil, the contention of Surendran is that they were fabricated by Rajagopal and K.N. Balasubramanian. During the cross-examination on 04.03.2016, Subramanian admitted that his father, Rajagopal, and K.N. Balasubramanian were alone with the testatrix before her death. Significantly, he also admitted that "Mr. K.N. Balsubramanian might have advised my father to deposit the Will so as to give a colour of reality to the Will." During the cross-examination on 09.03.2016, Subramanian admitted that

the sale proceeds of Ex.P9-P15 were not used for obtaining probate or for payment of estate duty. When questioned as to whether his paternal uncle, Sankaran, who is the other beneficiary under the Will, received any money from his father, he stated that "to my knowledge no document or record is available to show that money was sent by my father to his brother Sankaran who settled in the UK." Indeed, during the cross-examination on 09.03.2016, Subramanian even admitted that he did not know whether the power of attorney dated 16.06.1981, which was used to sell the lands under Ex.P12-P15, was executed by Sankaran. In these facts and circumstances, the contention that the Will is proved by the sale of the Thanjavur lands is vitiated by circularity inasmuch as the Will was cited as the basis of those sales and, in turn, those sales are cited to prove the Will. One more contention needs to be examined, namely, whether the receipts evidencing payment of the annuity to Savithri and one-time payments to the daughters constitutes acceptable evidence of the validity of the Will. Once again, it has to be borne in mind that Surendran's stand is that the Will and Codicil were fabricated by Rajagopal and K.N. Balasubramanian. As stated earlier, the receipts do not evidence payment of annuity to Savithri throughout her life time. Besides, the contents of all the receipts appear to be written by the same person and not by each alleged recipient. Moreover, during the cross-examination on 04.03.2016, in response to a suggestion that Ex.P8 receipts were fabricated, Subramanian stated that "I do not know the truth of receipts marked under Ex.P8 series." In light of the above discussion, analysis and the authoritative pronouncements of the Hon'ble Supreme Court, I am of the view that the Plaintiffs in the testamentary suit have failed to prove the execution and attestation of Will or to dispel the suspicious circumstances surrounding the Will and Codicil. Thus, issues 1 and 2 are decided against the Plaintiffs in the testamentary suit. Consequently, the B schedule property in the partition suit should be partitioned among the legal heirs of Balambal. Given that she had 4 sons and 6 daughters, excluding the son who released his rights, it would be inherited by the other nine in equal shares as per the Hindu Succession Act. Thus, Surendran, his mother and sister would be collectively entitled to $1/9^{th}$ and Surendran's individual share would be $1/27^{th}$.

22. Consequently, the question to be considered is whether the suit schedule properties in the partition suit were partitioned earlier and, if not, whether the Plaintiff, Surendran, is entitled to partition. The case of the Defendants 21 to 27 in the partition suit is that a partition was effected under registered Partition Deed dated 18.03.1960 (Ex.A3) between the Plaintiff, Surendran, and his paternal uncles, Rajagopal and Sankaran. However, the

admitted position is that the suit "A" schedule property was not included therein. Moreover, during his cross-examination as D.W.1 in C.S. No.722 of 2018, on 17.06.2019, Subramanian admitted that his father prepared the above mentioned Partition Deed to avoid the acquisition of land by the Government under the Land Ceiling Act. The second defence of Subramanian is that the patta as regards the said property was issued in the name of Rajagopal and not in the name of the Kartha of the joint family. On this aspect, the learned counsel for the Plaintiff in the partition suit contended that the patta was issued with reference to the title deed and the title deed is in the name of Subramania Iyer. In addition, the property tax notices and receipts, which were marked as Ex.A6 to Ex.A38, stand in the name of Ramachandran and brothers for the entire period extending from 1947 to 2008 and not in the name of Rajagopal. Upon perusal of these documents, I find that the contention of the learned counsel for the Plaintiff in the partition suit is liable to be accepted. In addition, Subramanian admitted during his cross-examination as D.W.1, on 11.06.2019, in C.S.No.722 of 2018 that Surendran's family were in occupation of Door No.14 of the A schedule property in Kumbakonam before it was sold to the 36th Defendant in the said suit. In fact, he even admitted that he had no objection to the said sale. He also admitted that it is stated in Ex.A4 that the property was inherited ancestrally. The above evidence controverts the contention of Subramanian and Defendants 22-27 that they are entitled to the A schedule property by adverse possession. Therefore, the Plaintiff is entitled to partition. As regards the shares in the A schedule property, each of the three sons of Subramania Iyer were entitled to 1/3rd share. Out of this, Surendran's family would be entitled to 1/3rd and his individual share would be 1/18th. Likewise, the legal heirs of the third and fourth Defendants in the partition suit would be entitled to 6/18th share each, which collectively represents the remaining 2/3rd. However, it is stated that the Plaintiff along with Defendants 1,2 and 4 sold a portion of their share and interest in Door No.14 of the schedule "A" property to the 36th Defendant under registered sale deeds, which were marked as Ex.A46 to Ex.A48. Accordingly, the said 36th Defendant would be entitled to the benefit of the preliminary decree, and necessary adjustments should be made at the time of the final decree.

23. In the result, the suits are disposed of as follows:

(i) T.O.S.No.47 of 2013 is dismissed.

(ii) a preliminary decree is granted in C.S. No.722 of 2018 declaring that the Plaintiff is entitled to 4/18th share in the suit A schedule property and 1/27th share in the suit B schedule properties. Consequently, the suit "A" schedule property and "B" schedule properties are liable to be divided by metes and bounds.

(iii) Defendants 21 to 27 are directed to provide accounts of the income and expenditure of the B schedule property from the year 1990 to the Plaintiff.

(iv) The parties are at liberty to file an appropriate application for a final decree. All necessary adjustments to shares on account of death, alienation, including the sale to the 36th Defendant, etc. shall be made at that stage.

(v) In the facts and circumstances, each party shall bear its own costs.

29.05.2020

Speaking order
Index: Yes
Internet: Yes
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Plaintiffs' witnesses in T.O.S.No.47 of 2013

P.W.1 : R.Subramanian

P.W.2 : G.Vani

Defendant's witness in T.O.S.No.47 of 2013

D.W.1 : R.Surendran

Plaintiff's witness in C.S.No.722 of 2018

P.W.1 : R.Surendran

Defendant's witness in C.S.No.722 of 2018

D.W.1 : R.Subramanian

Documents exhibited by Plaintiff in TOS No.47 of 2013:

Sl.No	*Exhibits*	*Date*	*Particulars of Documents*
1.	Ex.P1	09.12.1962	Original death certificate of testatrix S.Balammal
2.	Ex.P2	20.01.1961	Certified copy of the Will
3.	Ex.P3	01.05.1961	Certified copy of the Codicil
4.	Ex.P4	20.09.2008	Affidavit of T.C.Sankaranarayanan
5.	Ex.P5	28.06.1999	Original death certificate of Rajagopalan
6.	Ex.P6	11.02.2007	Original death certificate of Kamala
7.	Ex.P7	13.03.2003	Original Legal Heirship certificate of Rajagopal
8.	Ex.P8	-	Certified copies of receipts(15 Nos)
9.	Ex.P9	19.01.1967	Certified copy of the sale deed
10.	Ex.P10	02.02.1967	Certified copy of the sale deed

Sl.No	*Exhibits*	*Date*	*Particulars of Documents*
11.	Ex.P11	05.02.1967	Certified copy of the sale deed
12.	Ex.P12	01.11.1990	Certified copy of the sale deed
13.	Ex.P13	15.11.1990	Certified copy of the sale deed
14.	Ex.P14	23.11.1990	Certified copy of the sale deed
15.	Ex.P15	25.11.1990	Certified copy of the sale deed
16.	Ex.P16	30.11.1997	Certified copy of the judgment passed by the District Munsif Court,Valangaiman in O.S.No.123 of 1936.
17.	Ex.P17	05.08.1985	Certified copy of the lease agreement
18.	Ex.P18	10.09.1988	Certified copy of the lease agreement
19.	Ex.P19	10.09.1988	Certified copy of the lease agreement
20	Ex.P20	17.03.1988	Certified copy of the proceedings in Na.Ka.No.E1/07861/88 dt. 17.03.1988.
21.	Ex.P21	10.10.1988	Certified copy of the letter sent by the Director of Vigilance and Anti Corruption, Chennai to Mr.S.Rajagopal.
22.	Ex.P22	08.02.1989	Certified copy of the letter sent by the Director of Vigilance and Anti Corruption, Chennai to Mr.S.Rajagopal.
23.	Ex.P23	10.02.1989	Certified copy of the letter sent by S.Rajagopal to the Deputy Superintendent of Police, Vigilance and Anti Corruption, Chennai
24.	Ex.P24	18.01.1991	Certified copy of the letter sent by A.Ramankutty to Mr.S.Rajagopal.

Defendants side Document: Nil

Documents exhibited by Plaintiff in C.S. No.722 of 2018:

Sl.No.	***Exhibits***	***Date***	***Particulars of Documents***
1.	Ex.A1	14.05.2008	PLR issued in the name of the mother of Balambal for schedule B property.
2.	Ex.A2	29.04.1930	Registered release deed executed by Natarajan in favour of his father and brothers.
3.	Ex.A3	18.03.1960	Registered partition deed of agricultural lands executed in the family of Surendran.
4.	Ex.A4	02.09.1971	Order passed by Assistant Settlement Officer, Thanjavur, granting patta to Rajagopalan.
5.	Ex.A5	18.06.1999	Survey Land Record and resettlement Register standing in the name of Rajagopalan.
6.	Ex.A6	31.03.1945	Notice of property tax for Door No.14 Ramachandran and others.
7.	Ex.A7	1963	Notice of property tax for Door No.14 Ramachandran and others.
8.	Ex.A8	1965	Notice of property tax for Door No.14 Ramachandran and others.
9.	Ex.A9	1966	Notice of property tax for Door No.14 Ramachandran and others.
10.	Ex.A10	1970	Notice of property tax for Door No.14 Ramachandran and others.
11.	Ex.A11	1983 - 84	Notice of property tax for Door No.14 Ramachandran and others.
12.	Ex.A12	1983 - 84	Notice of property tax for Door No.14 Ramachandran and others.
13.	Ex.A13	1984 - 85	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
14.	Ex.A14	1984 - 85	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)

Sl.No.	***Exhibits***	***Date***	***Particulars of Documents***
15.	Ex.A15	02.01.1965	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
16.	Ex.A16	02.03.1965	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
17.	Ex.A17	06.03.1966	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
18.	Ex.A18	18.12.1978	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
19.	Ex.A19	20.03.1980	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
20.	Ex.A20	05.03.1981	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
21.	Ex.A21	26.12.1981	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
22.	Ex.A22	08.03.1982	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
23.	Ex.A23	12.10.1982	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
24.	Ex.A24	07.03.1983	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
25.	Ex.A25	26.09.1983	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
26.	Ex.A26	19.03.1984	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
27.	Ex.A27	20.09.1984	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
28.	Ex.A28	02.03.1985	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
29.	Ex.A29	21.03.1988	Property tax receipt given by Kumbakonam

Sl.No.	***Exhibits***	***Date***	***Particulars of Documents***
			Municipality (Ramachandran and Brothers)
30.	Ex.A30	24.03.1998	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
31.	Ex.A31	26.11.2001	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
32.	Ex.A32	27.02.2003	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
33.	Ex.A33	26.11.2001	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
34.	Ex.A34	23.03.2004	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
35.	Ex.A35	28.03.2005	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
36.	Ex.A36	31.03.2006	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
37.	Ex.A37	28.03.2007	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
38.	Ex.A38	10.03.2008	Property tax receipt given by Kumbakonam Municipality (Ramachandran and Brothers)
39.	Ex.A39	-	House Tax Appeal order passed by Kumbakonam Municipality.
40.	Ex.A40	26.03.1999	Letter sent by the Plaintiff to the Commissioner, Kumbakonam Municipality.
41.	Ex.A41	21.04.1999	Order passed by Kumbakonam Municipality for the letter sent by Surendran
42.	Ex.A42	04.07.2001	Agreement entered into between Plaintiff and 21st Defendant/R.Subramanian.
43.	Ex.A43	13.06.2006	Decree passed in O.S.No.433 of 2001 of II Addl. District Munsif, Kumbakonam.
44.	Ex.A44	13.06.2006	Judgment passed in O.S.No.433 of 2001 of II

Sl.No.	***Exhibits***	***Date***	***Particulars of Documents***
			Additional District Munsif, Kumbakonam.
45.	Ex.A45	26.02.2003	Rental agreement entered into between Plaintiff/R.Surendran and V.Ramanathan
46.	Ex.A46	04.04.2008	Sale Deed executed by Sankaran in favour of Ravichandran in respect of the house property at Kumbakonam.
47.	Ex.A47	04.07.2005	Sale Deed executed by R.Surendran in favour of Ravichdnran in respect of house property at Kumbakonam.
48.	Ex.A48	13.01.2004	Sale Deed executed by Savithri Ravichandran and Uma Ganesan in favour of Ravichandran in respect of house property at Kumbakonam.

Defendants(C.S.No.722 of 2018) side Document: Nil

29.05.2020

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T.O.S.No.47 of 2013 and
C.S.No.722 of 2018

SENTHILKUMAR RAMAMOORTHY, J.

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Pre-Delivery Judgment
in
T.O.S.No.47 of 2013
and
C.S.No.722 of 2018

29.05.2020