



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

FRIDAY, THE 22ND DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No.1229 of 2022

in

O.P.No.415 of 1997

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of Last Will and
Testament of Late
V.P.Thulukkanam
(since deceased)

1. MALLIGESWARI,
W/o.S.C.Dakshinamurthy,
residing at No.C 389,
Chandrasekar Road,
Periyar Nagar,
Chennai - 600 082.

2. MRS.UTHIRAMARY
W/o.Irudhayanathan,
residing at No.L/53,
Pushpa Nagar,
Housing Board,
Nungambakkam,
Chennai - 600 034.

3. MRS.RANJINI
W/o.M.Ramaswamy,
residing at No.07,
Manoharan Street,
Chetpet,
Chennai - 600 031.



-Vs-

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1. Yamuna Sai (**Since Deceased**),
Wife of Mr.P.T.Swamynesan,
residing at No.6, Manoharan Street,
Chetpet, Madras-600 031.

2. S.Ravi Varma,
S/o.Late P.T..Swamynesan,

3. SURESH VARMA,
S/o.Late Mr.P.T.Swamynesan,

4. MRS.KASTURI BHAI GANDHI
D/o.Late Mr.Swamynesan

all residing at No.6,
Manoharan Street,
Chetpet, Madras-600 031.

**(R2 to R4 recognised as LR's of R1
as per order dated 16/10/12 made on memo)**

..Respondents

A.No.1229 of 2022:

1. Mr.SURESH VARMA,
S/o.Late Mr.Swamynesan,
No.6, Manoharan Street,
Chetpet, Chennai 600 031.

2. MRS.KASTURI BHAI GANDHI
S/o.Late Mr.Swamynesan
No.6, Manoharan Street,
Chetpet, Chennai 600 031.

..Applicants/3rd and 4th Respondents

-Vs-



No.C.309, Chandrasekar Road,
Periyar Nagar, Chennai -600 082.

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2. MRS.UTHIRAMARY
W/o.Irudhayachandran,
No.L/53, Pushpa Nagar,
Housing Board, Nungambakkam,
Chennai 600 034.

3. MRS.RANJINI
W/o.M.Ramaswamy,
No.07, Manoharan Street,
Chetpet, Chennai - 600 031.

..Respondents 1 to 3/Petitioners

4. MR.RAVI VARMA
S/o.Mr.P.T.Swamynesan,
No.6, Manoharan Street,
Chetpet, Chennai - 600 031.

..4th Respondent/2nd Respondent

This application praying that this Hon'ble Court be pleased to issue suboena to Sub Registrar, Periamet to produce original Book No.3 for the period from 15/02/1995 to 01/03/1995 along with Original registration copy of the will dated 01/03/1995 in Document No.17 of 1995.

This application coming on this day before this court for hearing the court made the following order:

This application has been filed to issue subpoena to Sub Registrar, Periamet to produce the original Book No.3 for the period from 15.02.1995 to 01.03.1995 along with the original registration copy of the Will dated 01.03.1995 in Document No.17 of 1995.



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2. Heard both sides and perused the materials available on record.

3. The 1st respondent/1st petitioner filed counter affidavit stating that the applicants/3rd and 4th respondents are having the original Will dated 01.03.1995, but, they have not produced the same.

4. The main contention raised by the learned counsel for the respondents is that the document mentioned in the application is not the subject matter of dispute and therefore, the applicants can prove the same by means of otherwise.

5. Admittedly, the applicants filed the application in A.No.8332 of 2019 for revocation of Letters of Administration granted by this Court on 18.10.2012 in O.P.No.415 of 1997 by disputing the signature found in the original summons in O.P.No.415 of 1997, which pertains to their mother Yamuna Bhai. Now the said Yamuna Bhai is no more. Whether the Yamuna Bhai received the notice in the original petition or not and her signature has to be proved by comparing the signature found in the original Will dated 01.03.1995. The original Will is not available with the applicants and the



seek permission of this Court to produce the said Document.

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6. On being satisfied with the reasons stated in the affidavit filed in support of this application and the submissions made by the learned counsel for both sides, in order to compare the disputed signatures found in the contemporary documents, which is now in the office of the Sub Registrar, Periamet, the present application has been filed. If the contemporary document is sent for comparison of signature to forensic expert's opinion, no prejudice will be caused to the respondents.

7. In view of the above, this application is allowed.

8. Registry shall issue subpoena to the Sub Registrar, Periamet to produce the original Book No.3 for the period from 15.02.1995 to 01.03.1995 along with the original registration copy of the Will dated 01.03.1995 in Document No.17 of 1995.

Sd/.P.V.J.
22.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022
SU./26.04.2022 COURT OFFICER(O.S.)

<https://hcservices.ecourts.gov.in/hcservices/> From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.