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A.No.4014 of 2022 in
TOS.No.22 of 2014

Application No.4014 of 2022
in
TOS.No.22 of 2014

G. CHANDRASEKHARAN, J.

This application is filed to issue summons to the Tahsildar, Tondiarpet Taluk, Chennai to produce relevant documents namely TSLR (Land Record) etc., in respect of the suit schedule property situated at Old No.34, New No.65, Amarajipuram, Kasimedu, Royapuram, Chennai – 600 013 and to give evidence.

2. Learned counsel for the applicant submitted that the Will dated 21.11.1994 registered as Document No.68 of 1994 is forged and created document. The aforesaid property belongs to Collector of Chennai and 40 years back the applicant/Periyanayagi occupied the property and put up a superstructure on her own costs. Property tax is assessed in her name and she is regularly paying the tax. However, this Will is executed as if, her mother is the owner but the fact remains that she is not owner. To prove the claim, the summoning of Thasildar for production of documents mentioned above is necessary.

3. Per contra, the learned counsel for the respondent opposed this petition and submitted that the question arose for consideration in TOS.No.22 of 2014 is whether,



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mother-Lurthumari executed a Will. In the said enquiry, it is not necessary to go into the details of the title of Lurthumari.

4. Considered the rival submission and perused the records.

5. Admittedly, TOS.No.22 of 2014 is filed to probate the Will dated 21.11.1994 said to have been executed by deceased mother, Lurthumari. Petitioner and respondent are siblings and when the very claim of ownership of Lurthumari is disputed by claiming that the property does not belong to her but to the Collector of Chennai, this Court is of the considered view that this issue is an important issue for consideration in the enquiry in TOS.No.22/2014. Therefore, summoning the Thasildar for production of the documents as stated above and to give evidence is absolutely necessary for deciding the matter in lis. Thus, this petition is allowed.

6. Post the matter before the concerned Additional Master for summoning the witness and recording the evidence.

15.09.2022

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