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

MONDAY, THE 03RD DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

A.No.4794 of 2021  
in  
O.P.No.629 of 2019

In the matter of Indian  
Succession Act 39 of 1925  
and  
In the matter of the Last Will  
and Testament of Chellammal  
(deceased)

1. SRIDEVI  
W/o.Ponnuvel,  
No.9/3, Palani Andavar Koil Street,  
Perambur, Chennai-600011.  
  
2. JAGATH RAM (Minor)  
S/o.Ponnuvel,  
No.9/3, Palani Andavar Koil Street,  
Perambur, Chennai-600011.  
Minor Rep by his Legal Guardian appointed  
in O.P.636 of 2018)

..Applicants/Petitioners

Application praying that this Hon'ble Court be pleased to subpoena  
to Mrs.T.Padmini W/o.P.Thangamani aged about 52 years, residing at  
No.638, Rani Ammaniyar Street, Periyar Nagar, Chennai-600 039, to  
adduce witness behalf of the attesting witness who is the uncle signed as  
the 1st witness in the will dated 24.11.2003



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 T. Padmini, W/o. P. Thangamani aged 52 years, residing at No.638, Rani Ammaniyar Street, Periyar Nagar, Chennai 600 039 to adduce evidence in place of the attesting witnesses, who have signed the subject Will, dated 24.11.2003 for which, Probate is sought for.

2. As seen from the affidavit filed in support of this application, the attesting witnesses are no more and in their place, the applicants are desirous of examining T. Padmini, who is their relative as a Witness and who has seen the execution of the Will dated 24.11.2003 by Chellammal, the deceased Testatrix. According to the applicants / petitioners, despite their request, T. Padmini is not willing to voluntarily come and let in evidence before this Court in place of the attesting witnesses, who are no more. In such circumstances, they have filed this application seeking for Subpoena.

3. This Court is satisfied with the reasons stated in the affidavit filed in support of this application and accordingly, this application is allowed as prayed for.



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4. Accordingly, subpoena is issued to T. Padmini, W/o. P.Thangamani aged 52 years, residing at No.638, Rani Ammaniyar Street, Periyar Nagar, Chennai 600 039 to adduce evidence in place of the attesting witnesses to the subject Will dated 24.11.2003 executed by the Testatrix Chellammal.

Sd/-A.Q.J.  
03.01.2022

//Certified to be a true copy//

Dated at Madras this the                      day of                      2022.

SU./07.01.2022

COURT OFFICER(O.S.)

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