



W.P(MD)No.7620 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7620 of 2019

Shanthi

... Petitioner

Vs.

The Sub Registrar,
Chinnalapatti,
Dindigul District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to cancel the will registered vide Doc.No.26/2017 dated 29/06/2017 insofar as it relates to the adverse remarks (starts from “என் கணவர் இறந்த” ended at Ponnusamy, Nagendran கூறினார்) commented upon the petitioner in Para No.6 at Page No.2 of the said will, by specifically passing an order towards expunging the same on the strength of the petitioners representation dated 12/03/2019.

For Petitioner : Mr.R.Anand

For Respondent : Mr.N.Satheeskumar,
Addl. Government Pleader



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ORDER

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Heard the learned counsel on either side.

2.The petitioner is the daughter-in-law of one Subbammal. The petitioner got married to Thiru.Kanagaraj son of the said Subbammal. The petitioner's mother-in-law is no more. Before her demise, she had executed a Will dated 29.06.2017. It was also duly registered on the file of the respondent. In the said Will, there are certain defamatory averments against the writ petitioner. The writ petitioner wants this Court to direct the respondent to expunge those adverse remarks made about the petitioner.

3.As rightly pointed out by the learned Additional Government Pleader for the respondent, the writ prayer is not only strange but also not maintainable. The Will or testament of a person can be modified or cancelled only by the executant and it is not open to others including the Court or the authority to tinker with the same. The writ petition stands dismissed. No costs.

08.12.2022

Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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