



C.R.P.(PD)No.2946 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.2946 of 2018
and C.M.P.No.17244 of 2018

T.P.Kumar (died)

1. Mangai @ Mangaiyarkarasi
2. Ambika
3. Karnan
4. Ramani
5. Muthukrishnan
6. Krishnaveni

.. Petitioners

Vs.

Saradhammal (died)

1. Pazhani
- Chinnasami (died)
2. Chandrasekaran
3. Chitra
4. Valli (died)
5. Chennakrishnan
6. Kooteshwaran

.. Respondents

(The respondents 5 & 6 brought on record as the legal heirs of the deceased 4th respondent Valli vide order of this Court dated 02.08.2023 in C.M.P.No.21308 of 2021 in C.R.P.No. 2946 of 2018)



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 11.07.2018 made in I.A.No.166 of 2018 in O.S.No.154 of 2006 on the file of the District Munsif Court, Harur.

For Petitioners : Mr. Deeraj

For R2 : Mr.Harshvardhan

ORDER

The revision arises against an order dated 11.07.2018 made in I.A.No.166 of 2018 in O.S.No.154 of 2006 on the file of the District Munsif Court, Harur.

2. The petitioners are the plaintiffs and the respondents are the defendants. The case of the defendants is that the property belongs to the brother of the 2nd respondent and subsequently, it devolved on him by way of a Will. The plaintiffs does not succeed to the property, in case the



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Will is proved. If the Will is disproved, the property succeeds as per the Schedule-I to the Hindu Succession Act.

3. The plaintiffs want to send the document, on the basis of which, the defendants seek to claim the property, to a handwriting expert. When a Will is projected, it has to be proved in accordance with the Sections 68 & 63 of the Evidence Act and the Indian Succession Act respectively. The attesting witnesses or one of them would have to be examined to substantiate the case. Of course, when the attesting witness is examined, the plaintiffs are entitled to cross-examine to disprove the Will. The examination of the handwriting expert in this case is not going to help the plaintiffs at all.

4. The trial Court has come to a correct conclusion, that it is up to the 2nd respondent to prove the Will. He is the propounder of the Will. By sending a document to the handwriting expert, it would only delay the proceedings, which has been pending for the past 17 years. The plaintiffs



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will not gain anything as it is the 4th defendant, who has projected the

Will and it was up to him to prove the same.

5. In the light of the above, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.08.2023

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

The District Munsif, Harur.



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V.LAKSHMINARAYANAN,J.

Kj

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