



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Sixteenth day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CMP (MD) No.5382 of 2022
IN
AS (MD) No.200 of 2020

M.S.D.CHANDRASEKARAN RAJA (DIED)

1.ANANDAMMAL

2 HEMALATHA DEVI

3 RAJESWARAIAMMAL

4 SUBBASHINI AMMAL

... PETITIONERS/RESPONDENTS 1 TO 4

Vs

1 M.S.D.C.RADHA RAMANAN

... 1st RESPONDENT/APPELLANT

2 M/S.BHARATHI COTTON MILLS (P) LIMITED,
REPRESENTED THROUGH ITS MANAGING DIRECTOR
T.P.MILLS ROAD, COTTON MARKET,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

3 M/S.JAYA BHARATH TEXTILES (P) LIMITED,
REPRESENTED THROUGH ITS MANAGING DIRECTOR
MUDANGAR ROAD,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

4 M.S.D.C.R.CHANDRU RAMANAN

5 VADHANA RAMANAN

6 ABILASHA RAMANAN

7 GURUSAMY RAJA

... RESPONDENTS 2 TO 7/RESPONDENTS 5 TO 10



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to accept the certified copy of the Ex.B35 Original WILL dated 15.12.2010, executed by M.S.D.Chandrasekara Raja issued by this Honourable Court as a substitute for the original WILL marked as Ex.B35 and return the original Will dated 15.12.2010 in O.S. No. 7 of 2010.

PRAYER IN AS (MD) .200/2020:

Pleased to allow this Appeal setting aside judgment and decree in O.S.No.7 of 2010 dated 23.10.2019 on the file of the VI Additional District Judge, Madurai with costs.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.RAMESH, Advocate for the petitioners and of Mr.P.T.THIRAVIAM, Advocate for Mr.N.BALAKRISHNAN, Advocate on behalf of the Respondents, the court made the following order:-

In the suit for partition, the original Will dated 15.12.2010 relied by the defendants marked as Ex.B35. Pending appeal, Anandammal, the propounder of the Will has sought for the return of the original Will for her to get the Will probated through this civil miscellaneous petition. She has given an undertaking that certified copy of the Will dated 15.12.2010 marked as Ex.B35 will be replaced by the certified copy of the original Will and the original will be produced as and when required by this Court.

2. The learned counsel for the respondents has no objection for return of the original Will after substitute the certified copy of the same.

3. In the light of the above fact, this civil miscellaneous petition is allowed. The petitioner is permitted to take back the original Will marked as Ex.B35 after replacing it with a certified copy of the original Will.

Post the main appeal on 08.03.2023.

sd/-

16/02/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CMP(MD)



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PJL
TO

THE VI ADDITIONAL DISTRICT JUDGE,
MADURAI.

COPY TO:

THE SECTION OFFICER,
V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.V.RAGHAVACHARI, Advocate SR.No.2461

ORDER

IN

CMP (MD) No.5382 of 2022

IN

AS (MD) No.200 of 2020

Date :16/02/2023

SA/SBN/SAR.2/24.02.2023/3P/4C