



C.R.P(MD)No.2959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.2959 of 2023
and
C.M.P(MD)No.15204 of 2023

Karuppaiah

... Petitioner

Vs

M.Dhanam

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 11.09.2023 passed by the IV Additional Subordinate Judge, Tiruchirappalli in I.A.No.5 of 2023 in O.S.No.696 of 2014.

For Petitioner : Mr.T.Leninkumar

For Respondent : Mr.M.Saravanan



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ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 11.09.2023 passed by the IV Additional Subordinate Judge, Tiruchirappalli in I.A.No.5 of 2023 in O.S.No.696 of 2014.

2. Learned counsel for the respondent would submit that two attesting witnesses namely Perumal and Shanmugam were originally summoned. Summons were sent to those persons but the same was returned by stating that Perumal is not alive and Shanmugam is not available. On that account, other two serving officers were examined. At the time of cross examination, it was suggested to them that the endorsement is not correct and without verifying whether those witnesses are available or not, they made the written endorsement.

3. Second attempt was made by the respondent herein to take summons to those two attesting witnesses. Now some other serving



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officers has been appointed they also returned the same stating that both are no more. To prove the fact only they want to examine those serving officers.

4. Learned counsel for the petitioner would submit that on verification they came to know that both attesting witnesses namely Perumal and Shanmugam are no more. Nothing more is required to be established by the respondent herein before the trial Court.

5. In view of the submission on either side, the respondent herein is at liberty to proceed in accordance with law to prove the disputed Will.

6. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

19.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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G.ILANGO VAN, J.

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To

- 1.The IV Additional Subordinate Judge, Tiruchirappalli.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

C.R.P(MD)No.2959 of 2023
and
C.M.P(MD)No.15204 of 2023

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