



WEB COPY



A.No.1628 of 2025
in
O.P DR.No.132258 of 2024

MASTER
20.11.2025

ORDER

1. This application is filed by the applicant to issue citation to the 6th respondent to bring on the original Will of Late.M.Kalimuthu (deceased) dated 31.05.1999 to produce before this court. It is the case of the applicant that his father Late.Kalimuthu died on 25.10.1999 at his residence and before his death he executed his last Will and testament and registered as Document No.79/1999, Book-3, Volume-102 at Page Nos.93 to 95 in Sub Registrar Office, Kodambakkam bequeathing his property allotted to him by Slum Clearance Board to the applicant after his death in the presence of Mr.A.Gunasekaran and Mr.L.Charles Gabriel and the 6th respondent has been appointed as Executor under the Will. Since, the 6th respondent has not come forward to file the petition before this court he has been impleaded as the 6th respondent and the original Will is believed to be in the custody of 6th respondent.

2. The 6th respondent has filed his counter stating that the Testator



Mr.Kalimuthu (deceased) is his Father-in-Law and that though he has knowledge about the execution of the last Will and testament by his Father-in-Law Late.Kalimuthu and appointment of himself as the Executor of the said Will, he denies that the original Will is in his custody and so he is not able to produce the original Will of Late.M.Kalimuthu (deceased) dated 31.05.1999.

3. Heard. Both side counsels and perused the counter filed by the 6th respondent. The 6th respondent has categorically stated that he is not in possession of the original Will of Late.Kalimuthu. In such circumstances, no citation can be issued to the 6th respondent to produce the original Will of Late.M.Kalimuthu (deceased).

4. In view of the same, this application cannot be entertained and is dismissed without prejudice to the rights of the applicant.

MASTER