



Application No.901 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Application No.901 of 2025

in

TOS.No.18 of 2008

R.Saikumar

... Applicant

Vs.

1.R.Ravinder

2.D.Dhanush

3.R.Durga

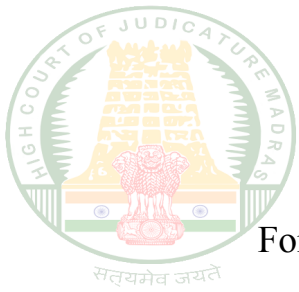
4.R.Prabakar

5.S.Kalpana

6.A.Chamundeeswari

... Respondents

Prayer: Application filed under Order XIV Rule 8 of the Original Side Rules read with Order VI Rule 16 of the Code of Civil Procedure, 1908, to strike off Exhibit-Ex-P8 Will dated 24.05.2002, marked through PW-2 on 03.02.2025 in TOS.No.18 of 2008 before the Additional Master-I.



Application No.901 of 2025

WEB COPY

For Applicant

: Mr.Francis Cedric D Cruz
for Mr.P.B.Ramanujam

For Respondents

: Mr.S.Sathish Kumar
for Mr.Rahul Balaji

ORDER

This Application has been filed by the applicant / 2nd defendant to strike off Exhibit-Ex-P8 Will dated 24.05.2002 which was marked through PW-2 on 03.02.2025 in TOS.No.18 of 2008 before the Additional Master-I.

2. PW-2 is son of the 1st attesting witness PW-1, who has since deceased. Therefore, to corroborate the signature in the Will dated 25.02.1999 which is said to have been executed by the testator namely Rachaveti Soundari @ Jayalakshmi, the son of the 1st attesting witness PW-1 was examined as PW2 in whose presence Ex-P8 Will dated 24.05.2002 was executed by the 1st attesting witness PW-1 namely Kanniah Naidu was marked. This was marked in presence of the counsels.

3. Merely marking a document as an Exhibit in Court does not *ipso facto* make it admissible as evidence. The Court still needs to determine the document's proof, relevancy and admissibility based on well-settled legal principles and rules of evidence.



Application No.901 of 2025

WEB

4. Therefore, Ex-P8 Will dated 24.05.2022, marked through PW2 on 03.02.2025 cannot be struck off the records of the above suit. Ex-P8 Will dated 24.05.2022 can be said to have been marked subject to its proof, relevancy and admissibility. It is open for the applicant / 2nd defendant to raise all such defense that are known under law to Ex-P8 Will dated 24.05.2022 at the time of final hearing.

5. Therefore, this Application filed to strike off Exhibit-Ex-P8 Will dated 24.05.2002 which was marked through PW-2 on 03.02.2025 through PW1 namely Kanniah Naidu is dismissed.

6. Considering the fact that the trial is yet to complete, Registry is directed to list this case before the Additional Master-II for continuation of trial on 09.06.2025.

09.04.2025

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Application No.901 of 2025

C.SARAVANAN, J.

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Application No.901 of 2025

09.04.2025