



CRP.No.875 of 2024.

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 17.11.2025**

**CORAM:  
THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.875 of 2024 and**

**CMP.No.4348 of 2024**

- 1.Radha
- 2.S.Nisha
- 3.Madhusoodhanan

... Petitioners

Vs.

- 1.Vimala
- 2.Premkumar
- 3.N.Sooryanarayanan
- Vaithegi @ Sasi (died)
- 4.Jeyashree
- 5.Minor Dharshini

...Respondents

**PRAYER :**Civil Revision Petition filed Article 227 of Constitution of India, against the fair and decreetal order dated 22.01.2024 made in I.A.No.12 of 2017 in O.S.No.13 of 2012, on the file of the I Additional District Court, Namakkal.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.I.Abrar Md.Abdullah



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for R2 to R5  
R1-left

### **ORDER**

This Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners in I.A.No.12 of 2023 seeking to send for the records available with the Sub Registrar's Office, with regard to the registered Will of late Balavenkatasubramaniam, dated 10.05.1994.

2. The petitioners 1 to 3 filed a suit seeking declaration of title and for permanent injunction against the respondents in O.S.No.13 of 2004. In the suit, the petitioners relied on the registered Will executed by late Balavenkatasubramaniam. The respondents/defendants filed a written statement stating that said Balavenkatasubramaniam was induced by undue influence to execute the Will. It was specific case of the respondent that the Will was not executed by Balavenkatasubramaniam out of free volition and it was made only on inducement of late Krishnamoorthy. It was further stated that the said Will was cancelled by Balavenkatasubramaniam on 10.03.1997



and Krishnamoorthy stood as attester for the cancellation of earlier Will dated 10.05.1994.

3. In the light of the averment made by the respondent in the written statement, it is clear that the execution of the Will was not specifically disputed by the defendant but only questioned the free Will to execute the document. It was defendants' specific case that the Will was not executed out of free volition and the same was induced. The defendant has to prove undue influence and the thumb impression of late Balavenkatasubramaniam available with the Sub Registrar's Office is not at all disputed. It was not the case of the defendant that the Will was a forged one, but they stated that it was executed out of undue influence. In such circumstances, the present application filed by the petitioners seeking to send for the document available with the Sub Register's Office relating to thumb impression of the testator of the Will dated 10.05.1994 is unnecessary to decide the controversy involved in this case. Hence, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

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To

The I Additional District Court, Namakkal.

**S.SOUNTHAR, J.**

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