



C.R.P.Nos.6080 and 6082 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos. 6080 and 6082 of 2025

and

C.M.P.Nos.29946 and 29951 of 2025

1. Louis Segar
 2. Louis Revathy
- Rep.by their Power agent
S.Vikramavarman

... Petitioners
in both C.R.Ps.

Vs.

1. Louis Selvy
2. Louis Selvam
3. Louis Kumar

Respondents 1 to 3 are Rep.by Power agent
Madana Balan

4. Louis Santha
5. Louis Santhi
6. Arul Marie Louis
7. Louis Radja
8. Louis Sarala

... Respondents
in both C.R.Ps.

COMMON PRAYER: Civil Revision Petitions filed Article 227 of Constitution of India, to set aside the order dated 18.12.2023 passed in I.A.No.1365 of 2023 in O.S.No.54 of 2017 and I.A.No.1364 of 2023 in



C.R.P.Nos.6080 and 6082 of 2025

O.S.No.54 of 2017 passed by the learned III Additional District Judge,
Puducherry.

For Petitioners : Mr.S.S.Rajesh
in both C.R.Ps.

For Respondents : Mr.D.Senthil Kumar
in both C.R.Ps.

COMMON ORDER

These Civil Revision Petitions have been filed challenging the order passed by the learned III Additional District Judge, Puducherry dismissing the applications filed by the petitioners seeking to re-open the defendants' side evidence and also to issue a direction to respondents 1 to 3 herein/plaintiffs to produce the original unregistered Will dated 09.09.1996, allegedly executed by the deceased Nadarajan and Saroja in favour of Louis Segar.

2. The respondents 1 to 3/plaintiffs filed a suit against the petitioners and other respondents herein for declaration, partition and separate possession.

3. According to the petitioners/defendants 6 and 7, Nadarajan and Saroja had jointly bequeathed the property in favour of Louis Segar under

2/6



C.R.P.Nos.6080 and 6082 of 2025

an unregistered Will dated 09.09.1996. Subsequently, Saroja executed a registered Settlement deed dated 30.07.2012 in favour of Vikramavaraman, the Power Agent of Louis Segar. It is further stated that during the cross examination of Louis Segar as P.W.2, he has specifically deposed that the original unregistered Will was with the plaintiffs and they failed to produce the same. It is also stated that P.W.1 had admitted the original Will. In the said circumstances, the instant applications have been filed by the petitioners seeking to re-open the defendants' side evidence and to issue a direction to the plaintiffs to produce the unregistered Will mentioned therein. These applications were dismissed by the trial Court. Aggrieved by the same, the petitioners are before this Court.

4. A perusal of the typed set of papers would indicate that recording of evidence in the suit was already over and the suit was posted for arguments. After advancing the arguments by the plaintiffs' side, it was posted for arguments of defendants' side. At that stage, interlocutory applications were filed by the petitioners/defendants 6 and 7 seeking to re-open and re-call P.W.1 and the same were allowed by the trial Court. Thereafter, the suit was again posted for defendant's side arguments on



C.R.P.Nos.6080 and 6082 of 2025

WEB COPY

16.11.2023, 20.11.2023, 24.11.2023, 27.11.2023 and 28.11.2023. After several adjournments, the petitioners filed the interlocutory applications seeking to re-open and issue a direction to the respondents to produce the unregistered original Will.

5. If it is the case of the petitioners that the unregistered Will, as referred to their affidavits, is in possession of the plaintiffs and the same has been withheld by them, at the appropriate stage the petitioner ought to have issued notice to produce the document. In case of non-compliance, they could have very well marked the notice issued by them and requested the Court to draw adverse inference. Without following the said procedure, the petitioners fully participated in the trial and the suit is posted for the defendants' side arguments. At the belated stage, these applications have been filed by the petitioners. When an alternative remedy is available and the petitioners are entitled to argue in support of adverse inference, the request made by them seeking a direction to the plaintiffs to produce unregistered Will cannot be accepted. The trial Court has rightly dismissed the applications. Hence, I do not find any irregularity or infirmity in the impugned order passed by the trial Court.



C.R.P.Nos.6080 and 6082 of 2025

WEB COPY

6. Accordingly, these Civil Revision Petitions are dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

28.11.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

ms

To

The III Additional District Judge,
Puducherry.



WEB COPY



C.R.P.Nos.6080 and 6082 of 2025

S.SOUNTHAR, J.

ms

C.R.P.Nos.6080 and 6082 of 2025

28.11.2025