



WEB COPY

A.No.2170 of 2025 in
TOS.No.34 of 2024

C.V.KARTHIKEYAN, J.

This application has been filed seeking permission to produce the certified copy of the Will dated 18.09.2015 as secondary evidence.

2. In the affidavit filed in support of the Judges Summons, it had been contended that the original Will dated 18.09.2015 which was said to have been executed by Mr.A.Gurunathan, was in the custody of the executor viz., Karthikeyan. It has been stated that though citation has been issued to produce the original registered Will of the testator, the original registered Will has not been produced. In these circumstances, this application has been filed to prove the Will on the basis of the certified copy of the Will.

3. It is contented that there is a parallel Testamentary Original Suit pending in TOS.No.41 of 2021, wherein, the recording of the evidence had commenced and joint trial has to be conducted in both the suits. Taking all those factors into consideration and to enable the parties to move forward to record evidence, the certified copy of the Will dated 18.09.2015 may be produced and marked as a document. However, it would only be appropriate during the course of the evidence, subpoena is issued to the executor directing him to produce the original Will and examine him as a witness if not on either side, atleast as a Court witness. That procedure will have to be completed during the recording of evidence.



C.V.KARTHIKEYAN, J.

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4. In view of the above circumstances, this application is allowed. If the original Will is produced, then the same should be substituted with the certified copy of the Will dated 18.09.2015.

08.07.2025

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