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CRP.No.2871 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.2871 of 2025
and
CMP.No.16211 of 2025

Peter.Y

...Petitioner

Vs.

John Bosco.Y.S.

...Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, as against the decretal order and fair order dated 13.06.2025 made in I.A.No.2 of 2025 in O.S.No.156 of 2023 on the file of the Additional District Munsif at Thiruvallur.

For Petitioner : Mr.R.Rajesh

For Respondent : Mr.E.C.Murali



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ORDER

The present revision petition has been preferred at the instance of the 4th defendant whose application to receive additional documents post trial was rejected.

2. Heard the learned counsel on either side and perused the materials available on record.

3. Learned counsel for the petitioner would submit that the petitioner intended to introduce a WILL of one Mary Juliana about which there is a specific pleading even in the written statement and also in the reply notice that was issued by the revision petitioner to the notice issued by the respondent prior to the institution of the suit. Learned counsel for the petitioner, therefore states that no prejudice would be caused if his application is allowed and the documents are permitted to be received in evidence.

4. Per contra, the learned counsel for the respondent states that the



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trial court has rightly dismissed the application, finding inordinate delay and no proper explanation, having been stated for not filing the said documents at the earliest.

5. Be that as it may, considering the fact that the suit has been filed for declaration and mandatory injunction regarding status of the respondent/plaintiff vis-a-vis the defendants 3 and 4 with late deceased Mary Juliana, it would be proper for the Court to receive the WILL of the said deceased Mary Juliana subject to proof. The WILL has to necessarily be proved by examining atleast one of the attesting witness, before it can be accepted and acted upon.

6. Insofar as the reply notice, I find that there is no pleadings in the plaint with regard to any pre-suit notice issued by the plaintiff. However in the written statement filed by the petitioner/the 4th defendant, he has stated that a notice was issued by the plaintiff on 20.05.2023 and it has been replied on 30.05.2023, where it has been mentioned that Mary Juliana has left behind her last WILL.



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7. In the light of the above, the reply notice dated 30.05.2023 may also be received subject to notice dated 20.05.2023 also being marked. It is also made clear that the WILL shall be received in evidence subject to the requirement of proof of the said WILL as required under Section 68 of the Evidence Act r/w. Section 63 of the Indian Succession Act.

8. In view of the above, this Civil Revision petition stands allowed and the order dated 13.06.2025 made in I.A.No.2 of 2025 in O.S.No.156 of 2023 on the file of the Additional District Munsif Court at Thiruvallur is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

30.07.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

The Additional District Munsif Court,
Thiruvallur.

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P.B. BALAJI, J.

skt

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