



WEB COPY

A No. 3170 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**A No. 3170 of 2024 in
O.P.No.D48243 of 2023**

K.Sivakumar

Applicant(s)

Vs

1. K.Govindammal

2.Mrs.Indrani

3.Mrs.Kumari

4.K.Kumar

5.Mrs.Latha

6.Santhosh

7.N.Venkatesan

[Amended as per order in A.No.1886 of
2025 dated 09.04.2025 and impleaded
as 7th respondent as Legal heir of Vijaya
d/o Late P.K.Kothandam

Respondent(s)

PRAYER

This application has been filed under Order XIV Rule 10 Sub-Rule 10 of O.S.Rules r/w Rule 25 Rule 10 O.S.Rules to issue citation to the Respondents to produce the original Will dated 14/10/1992 vide Doc.No.129/1992 registered in the office of the Sub registrar of Sembium executed by P.K.Kothandam.



For Applicant(s): Mr.S.Murugavel

For Respondent(s): Mr.S.Anandakumar for r3

ORDER

This application has been filed by the applicant to direct the respondents to produce the Original Will dated 14.10.1992 executed by the husband of the 1st respondent and father of the respondents 2 to 5, viz., P.K.Kothandam.

2. According to the applicant, he filed the main petition seeking for probate of Will dated 14.10.1992 executed by the husband of the 1st respondent and father of the respondents 2 to 5, viz., Kothandam and original Will is not available with him and may be under the custody of the respondents. Therefore, he filed the Certificate Copy of the Will dated 14.10.1992. The Original Will is just and necessary for this petition, therefore, it has become necessary to issue citation to the respondents to issue Original Will dated 14.10.1992. After issuing notice, the 3rd respondent alone appeared through learned Counsel, 1st respondent already died, respondents 2, 4 and 6 have not appeared, even after notice served to them. The Legal Heirs of the 1st respondent has been included as 7th respondent.



3. The learned counsel for the 3rd respondent submitted that the Will is not under the custody of the 3rd respondent and filed counter that original Will is not available with the 3rd respondent.

4. Considering the reasons stated in the affidavit filed in support of the application and taking note of the fact that the original Will is not available with the applicant, the applicant has also produced copy of the Will, therefore, it is appropriate to direct the Registry to number the Original Petition with the certified copy of the Will, if it is otherwise in order.

30-10-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

ssd



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P.DHANABAL J.

ssd

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