



WEB COPY

A No. 4260 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

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THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 4260 of 2025

AND

A NO. 4261 OF 2025 in TOS NO. 94 OF 2013

1. Sandhya Sailesh

W/o.A.N.Sailesh, No.932 C,
Poonamallee High Road, Flowers Road,
Chennnai - 600 084. (Plaintiffs 2 and 3
brought on record as per order of this
Court dated 14.12.2022 in A.No.5395
of 2022 in TOS.94 of 2013)

Applicant(s)

Vs

1. V.Meera

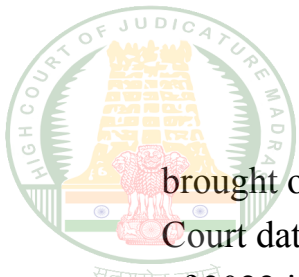
D/o.G.Ramachandran and
Mrs.Padmavathy

Respondent(s)

A No. 4261 of 2025

1. Sandhya Sailesh

W/o.A.N.Sailesh, No.932 C,
Poonamallee High Road, Flowers Road,
Chennnai - 600 084. (Plaintiffs 2 and 3



brought on record as per order of this
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Applicant(s)

Vs

1. V.Meera
D/o.G.Ramachandran and
Mrs.Padmavathy

Respondent(s)

A No. 4260 of 2025

PRAYER: Application filed under Order XIV Rule 8 r/w. Order XVI Rule 7 of O.S. Rules, to issue summon to the Registrar, City Civil Court, Chennai to produce before this Court the entire bundle in O.S.No.599 of 1972, including a Counter Affidavit of G.Padmavathy filed in I.A.No.21235 of 1974 in O.S.No.599 of 1972.

A No. 4261 of 2025

PRAYER: Application filed under Order XIV Rule 8 r/w. Order XVI Rule 7 of O.S. Rules to issue summon to Mr.Balaji Son of Late Kota Nandagopal Chetty, residing at No.210 Old No.141, Govindappa Naicken Street, Chennai 600 001, to produce documents, affidavits in relation to O.S.No.599 of 1972, before the City Civil Court, Madras, especially a Counter Affidavit of G.Padmavathy filed in I.A.No.21235 of 1974 in O.S.No.599 of 1972.



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For Applicant(s): M/s.P.Subba Reddy For Plaintiff

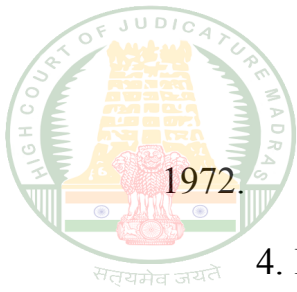
For Respondent(s): M/s.N.D.Bahety For D1 To D3

COMMON ORDER

A.No.4260 of 2024 has been filed to issue summon to the Registrar, City Civil Court, Chennai to produce before this Court the entire bundle in O.S.No.599 of 1972, including the Counter Affidavit of G.Padmavathy filed in I.A.No.21235 of 1974 in O.S.No.599 of 1972.

2. The applicant is the plaintiff. One of the attesting witness by name K.V.Prakash has been examined as a witness on the side of the plaintiff but he has not given the true statement of the facts. Hence, the applicant is under the compulsion to produce the other documents and evidence to establish the execution of Will by the testator. So, he filed this application to produce the counter affidavit of G.Padmavathy filed in I.A.No.21235 of 1974 in O.S.No.599 of 1972 on the file of the City Civil Court, Chennai.

3. A.No.4261/2025 has been filed to issue summon to Mr.Balaji Son of Late Kota Nandagopal Chetty, residing at No.210 Old No.141, Govindappa Naicken Street, Chennai 600 001, to produce documents, affidavits in relation to O.S.No.599 of 1972, before the City Civil Court, Madras, especially a Counter Affidavit of G.Padmavathy filed in I.A.No.21235 of 1974 in O.S.No.599 of

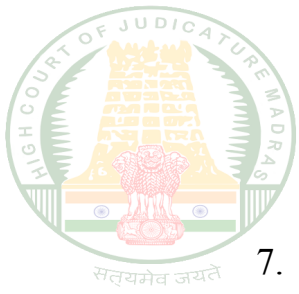


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4. It is stated in the counter affidavit filed by the respondents / defendants that the applicant / plaintiff who has failed to establish the genuineness of the Will through the evidence of the attesting witness, have filed this application as a fishing expedition by picking up certain other immaterial documents and that cannot be permitted. It is further stated that these applications are yet another attempt to protract the proceedings and prevent the legal heirs of the deceased from enjoying the properties in accordance with their right of inheritance.

5. The learned counsel for the applicant / plaintiff submitted that as per Section 71 of the Evidence Act, if the attesting witness denies the execution, his execution can be proved by other evidence and hence the applicant / plaintiff has taken the steps to summon the relevant documents.

6. These applications have been filed by the applicant / plaintiff seeking for the very same documents from two sources: one from the Court and the other from the alleged party to the proceedings in O.S.No.599 of 1972. Due authenticity cannot be attached to the document even if it is produced by a private party. Because, it is difficult to presume that a private person can hold the documents relating to the suit O.S.No.599 of 1972. Even if he possesses those documents that would only be copies and no authenticity can be attached to the documents.



7. So far as the documents sought to be produced from the City Civil Court, Chennai, is concerned, no doubt if the documents are available, due authenticity can be attached to them. But still the burden would be on the applicant / plaintiff to prove that the alleged counter affidavit contained the true signature of the person who is said to have subscribed it.

8. It is to be noted that the applicants sought to call for the records of the year 1972 i.e. after 53 years. Such documents cannot be expected to be available on the file of the Court as it would have been destroyed long back. So, summoning the document from a private party is useless and issuing summons to produce the alleged document from the Court is futile and impractical.

9. In view of the above stated reasons, these applications are dismissed.

09-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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R.N.MANJULA J.

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AND TOS NO. 94 OF
2013,A NO. 4261 OF
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