



A.No. 4368 of 2025
in
O.P.No. 711 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08-09-2025
CORAM
THE HONOURABLE MR.JUSTICE P. DHANABAL

A.No. 4368 of 2025
in
O.P.No. 711 of 2023

R.Dhanasegaran
S/o.M.Rathinavelu,
14/66, Loco Scheme 2nd Street,
Jawahar Nagar, Chennai - 82.

...Applicant

Vs

R.Susila
D/o.Late Rathinavelu,
84, Poonamallee High Road,
Manavala Nagar, Tiruvallur, Pin - 602 001.

...Respondent

Prayer: Application has been filed under Order XIV Rule 8 of the Original Side Rules read with Section 277 of Indian Succession Act, Order XVI Rule 1 of the Code of Civil Procedure, 1908 praying to issue witness summon/subpoena to Mr.K.Yadugirinathan, S/o.A.M.Kannan, to appear before the learned Master and to depose evidence regarding the execution of the Will and attested witness participation in execution as well as the registration of the Will dated 14.09.2000.

For Applicant : Mr.S.N.Ravikumar



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ORDER

This application has been filed by the applicant/petitioner seeking to issue witness summon/subpoena to Mr.K.Yadugirinathan, S/o.A.M.Kannan, to appear before the learned Master and to depose evidence regarding the execution of the Will and attested witness participation in execution as well as the registration of the Will dated 14.09.2000.

2. According to the petitioner, One Mr.A.M.Kannan, executed a Will dated 14.09.2000 in favour of the petitioner herein. The petitioner filed an O.P.No.711 of 2023 seeking to issue Letters of Administration in respect of the Will executed by the father of the petitioner, who died on 01.04.2013. While executing the Will, the father of the petitioner M.Rathinavelu Rao subscribed two witnesses. One Mr.A.M.Kannan, S/o.Murugesu Pillai and another one Mr.Raja Rao, S/o.C.R.Narasimma Rao, both are signed as witnesses in the registered Will. Now, the said A.M.Kannan, is no more and his son was also present at the time of execution and attestation of the Will. Therefore, he acquaintance with the signature of the deceased A.M.Kannan as well as the attesting witness. Therefore, the said witness is essential to prove the Will in this case.



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Hence, this petition.

3. This Court has perused the records. Since the witness viz., Mr.K.Yadhugirinathan, is the son of the deceased A.M.Kannan, attesting witness, he acquainted with the signature of the Attestor as well as the attesting witness in the registered Will, his evidence is essential to decide the case.

4. In view of the above facts and circumstances of the case, this Court is inclined to allow this petition.

5. Accordingly, this petition is allowed. No costs.

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P. DHANABAL, J.,

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