



WEB COPY



CRP.No.41 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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R.K.Ramasamy (Died)

1. Rajammal
2. R.Balasundari @ R.Sundari
3. K.Vasanthi
4. B.Maniyarasi
5. R.Krishnamoorthy
6. Kasturbai @ Kasturi
7. R.Dharmaraj
8. R.Selvaraj

... Petitioners

Vs.

1. S.Gopal
2. S.Murugesan
3. B.Krishnamoorthy
4. N.Theivasigamani
5. V.Balasubramaniam
6. The Sub Registrar
Sub Registrar Office
Avinasi
7. Sarada Devi
8. K.Vijayalakshmi

...Respondents



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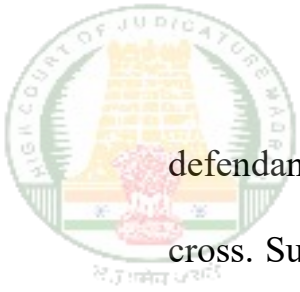
PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, against the fair and decreetal order 24.07.2023 made in I.A.No.09 of 2023 in O.S.No.89 of 2018 on the file of District Munsif Court, Avinashi.

For Petitioner : M/s.C.Prabhakaran
for Mr.C.S.Saravanan
For R3 and R4 : M/s. K.Myilsamy
For R6 : Mr.N.Muthuvel,
Government Advocate
For R1, R2, R7 and R8 : Service awaited

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioners/plaintiffs 2 to 9 seeking leave of the Court to produce the Will dated 31-05-2006 allegedly executed by deceased first plaintiff.

2. The predecessor in interest of the present petitioners namely Ramasamy filed a suit for declaration that sale deed dated 15-07-1996 executed by him along with first defendant in favour of second defendant was null and void and for consequential injunction. He also sought for a declaration that sale deed dated 06-02-2004 executed by second defendant in favour of



defendants 3 and 4 was also null and void. The suit is in the stage of PW1 cross. Subsequent to the filing of the suit, the above said Ramasamy died. The petitioners herein have been brought on record as legal representatives. Now, the instant application has been filed by the petitioners seeking to produce the Will allegedly executed by Ramasamy dated 31-05-2006 giving direction regarding manner of devolution of his estate. The said application was dismissed by the trial court. Aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel for the petitioners submitted that existence of the Will came to light only recently and therefore, the petitioners have filed application for receipt of the said document. The trial court committed an error in dismissing the application by observing that Will was not referred to in the plaint filed by the Ramasamy. It was also stated that when Ramasamy was alive, there was no necessity to refer about the Will and hence, the reasoning assigned by the trial court is not correct.

4. The above said Ramasamy filed a suit challenging the sale deed executed by him along with first defendant in favour of second defendant and also the sale deed executed by second defendant in favour of defendants 3 and 4. The Will executed by him regarding the manner of devolution of his estate in



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no way help the Court to decide the validity of the sale deeds impugned in the present suit. Therefore, the documents sought to be marked by the petitioners will not enable the court to decide the case. In such circumstances, I agree with the final conclusion reached by the court even though I do not agree with the reasoning stated in the impugned order. Accordingly, the civil revision petition stands dismissed.

5. If there is any inter-se dispute between the petitioners regarding the validity of the Will referred to, that can be decided in a separate proceedings.

No costs.

10.12.2025

Index : Yes / No

Internet : Yes / No

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To

The District Munsif Court, Avinashi.



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