



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A No. 5876 of 2025

in

OP No. 170 OF 2025

E.T. Kirubanandam
S/o. Late R.Evanandam,
No.16/19, Thandavamoorthy Street,
Seven Wells, Chennai 600 001.

Applicant(s)

Vs

1. Mercy Jayakantham
W/o. J.Jayaraj, D/o. Late R.Evanandam,
C/o. Kalaivani (Home Nurse),
No.5/513, 126th Street, Muthamizh
Nagar, Chennai 600 118.

2.Fredric Devanandam
S/o. Late R.Evanandam,
C/o. Kalaiselvi Selvaran (Home Nurse),
No.917, I-Block, 8th Street, R.R.Nagar,
Kodungaiyur, Chennai 600 118.

3.Sylvester Karunanandam,
S/o. Late R.Evanandam,



Plot No.24/6, Binny Nagar Main Road,
MMC Post, Madhavaram,
Chennai 600 051.

4.Priscilla Thiruthuvarani
W/o. P.Arumainayagam, D/o. Late
R.Evanandam, C/o. Dr.Samuel,
Plot No.24/6, Binny Nagar Main Road,
MMC Post, Madhavaram,
Chennai 600 051.

Respondent(s)

PRAYER: This application has been filed under Order XIV Rule 8 of O.S.Rules read with Order XIV Rule 17 and Section 151 of CPC, to permit the applicant to amend the prayer in the affidavit and judge's Summons in A.No.5336 of 2025 as

“permit the 3rd party witness viz., Mrs.A.Shamini, wife of Edwin Joseph Davis Michael, residing at Door No.6, Plot No.24, Binny Colony Main Road, Madhavaram, Madhavaram Milk Colony, Tiruvallur 600 051, who is none other than the daughter of the 1st attesting witness viz., Mr.G.P.Arputharaj, to depose evidence to identify the signature of the testator and the 1st attesting witness to prove the execution of the Will by R.Evanandam, in accordance with law”

Instead of:

“permit the 3rd party witness viz., Mrs.A.Shamini, wife of Edwin Joseph Davis Michael, residing at Door No.6, Plot No.24, Binny Colony Main Road, Madhavaram, Madhavaram Milk Colony, Tiruvallur 600 051, who is none other than the daughter of the 2nd attesting witness viz., Mr.G.P.Arputharaj, to depose evidence to identify the signature of the testator and the 2nd attesting witness to prove the execution of the Will by R.Evanandam, in accordance with law” and consequently, the order passed by this Court in A.No.5336 of 2025 dated 11.11.2025 may also be



corrected accordingly, to enable the 3rd party witness to complete the evidence in the above OP.

For Applicant(s): Mr.E.Senthil Kumar

ORDER

This application has been filed to amend the prayer in the affidavit and Judges summons in A.No.5336 of 2025 and consequently the order passed by this Court in A.No.5336 of 2025, dated 11.11.2025 may also be corrected accordingly, to enable the 3rd party witness to complete the evidence in the above OP.

2. According to the applicant, he filed the original petition for grant of Letters of Administration in respect of the Will executed by his deceased father namely, Mr.R.Evanandam. The Will was executed in the year 1987 and the attesting witnesses in the Will are reported to be dead. In order to identify the signature of the testator and the attesting witnesses, the applicant has to examine one witness namely, Mrs.A.Shamini, who is the daughter of the attesting



witness of Mr.G.P.Arputharaj. This Court has passed an order by allowing the Application in A.No.5336 of 2025, in which, the rank of Mrs.A.Shamini has been wrongly mentioned as the daughter of the second attesting witness. Infact, she is the daughter of the first attesting witness, namely Mr.G.P.Arputharaj. Due to the above said typo-graphical error, the learned Master had refused to accept the said witness for examination. Therefore, the said typographical error crept in that application as well as in the order need to be corrected.

3. Despite service, none appeared on behalf of the respondents in the main O.P. This Court, vide order dated 11.11.2025 in A.No.5336 of 2025, permitted the applicant to examine the said witness namely, Mrs.A.Shamini. Since the rank of the attesting witness has been wrongly mentioned as 2nd attesting witness instead of 1st attesting witness, the learned Master has declined to allow her to examine.

4. Considering the above facts and circumstances of the case and the



name of the witness viz., Mrs.A.Shamini has been wrongly mentioned as a daughter of the 2nd attesting witness instead of 1st attesting witness, and the same needs to be corrected.

5. Registry is directed to make appropriate correction in the order as well as in the application in A.No.5336 of 2025 and issue fresh corrected order copy to the parties.

6. Accordingly, this application is allowed.

7. Post this matter before the learned Master for recording evidence on 10.12.2025.

02-12-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.DHANABAL J.

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