



WEB COPY

A No. 107 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 107 of 2026

in

O.P.No.218 of 2023

T.Parthasarathy
S/o.Thotadri,
A2-104 Kumar Princetown Towers,
NIBM - Mohammedawadi Road, Undri,
Pune, Maharashtra, India.

..Applicant(s)

Vs

1. P.Anand
S/o.Mr.T.Parthasarathy,
A2-104 Kumar Princetown Towers,
NIBM - Mohammedawadi Road, Undri,
Pune, Maharashtra, India.

2. Renuka
D/o.T.Parthasarathy,
No.76, Marlow Buckinghamshire,
SL7 3NB, United Kingdom.

..Respondent(s)

PRAYER: This petition filed under Order XIV Rule 8 of O.S. Rules and Section 281 of Indian Succession Act, 1925 to permit the petitioner to file third party affidavit of Mr.Sankara Subramanian to identify the signature of one of the attesting witness Mr.M.Ganesan in the Will dated 23.12.1990 in the above said O.P.

For Applicant(s): Mr.Sowmyaa

For Respondent(s): No appearance (Notice served)

**ORDER**

Heard.

WEB COPY

2. This Application has been filed under Order XIV Rule 8 of the Original Side Rules read with Section 281 of the Indian Succession Act, 1925, seeking permission to file the third party affidavit of Mr. Sankara Subramanian for the purpose of identifying the signature of one of the attesting witnesses, namely Mr. M. Ganesan, in the Will dated 23.12.1990 propounded in the above Original Petition.

3. The case of the applicant is that, since both the attesting witnesses are no more, the execution of the Will could not be proved in the ordinary manner by examining an attesting witness, and that therefore it has become necessary to place on record the affidavit of Mr. Sankara Subramanian, son of late M. Ganesan, to identify the signature of his father appearing in the Will as one of the attesting witnesses.

4. The affidavit of Mr. Sankara Subramanian has also been placed along with the application. In the said affidavit, he has stated that he is the son of late M. Ganesan, one of the attesting witnesses to the Will dated 23.12.1990 executed by the testator Mr. G. Narasimhan, and that he is in a position to identify his father's signature in the said Will.



5. The prayer in the present application is only to permit the petitioner to file the said third party affidavit for the limited purpose of identification of the signature of one of the deceased attesting witnesses.

6. Accordingly, this Application is allowed. The petitioner is permitted to file the third party affidavit of Mr. Sankara Subramanian for the purpose of identifying the signature of late Mr. M. Ganesan, one of the attesting witnesses to the Will dated 23.12.1990, in O.P. No.218 of 2023. It is made clear that the reception of such affidavit is subject to proof, relevancy and admissibility, and its evidentiary value shall be considered at the time of final disposal of the original petition. No order as to costs.

25-03-2026

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



WEB COPY

A No. 107 of 2



DR.A.D.MARIA CLETE, J.

sms

A No. 107 of 2026
in
O.P.No.218 of 2023

25-03-2026