



C.R.P.No.708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.708 of 2024
and C.M.P.No.3564 of 2024

Madan Kumar

... Petitioner

VS.

1.Gowri Shankar

Srinivasan (died)

2.Kalavathi

3.Usharani

4.Nirmaladevi

5.Narmadha

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.12.2023 passed in I.A.No.05 of 2023 in O.S.No.448 of 2013 on the file of the Sub Court, Ranipet.

For Petitioner : Mr.P.Mani

For R1 : Mr.K.Venkatasubban
for M/s.S.Sarvabhauman Associates



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Sub Court, Ranipet in I.A.No.5 of 2023 in O.S.No.448 of 2013, dated 02.12.2023 dismissing the application filed by the plaintiffs seeking to send the disputed Will for comparison with the admitted document.

2. The plaintiffs filed a suit seeking declaration and permanent injunction. The suit was resisted by the 1st respondent/defendant *inter alia* by relying on a Will allegedly executed by one R.Krishnamoorthy, dated 10.12.2003.

3. The trial in the suit is over and the same is posted for argument. At this stage, the present application has been filed by the plaintiffs seeking to send the disputed Will for comparison with the admitted Mortgage Deed executed by the very same Testator. The said application was dismissed by the Trial Court and aggrieved by the same, the petitioner/4th plaintiff has come before this Court.



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4. The learned counsel appearing for the petitioner would submit that the core question to be decided in this suit is regarding the validity of the Will and therefore, the opinion of the Expert will be very useful for the Court to decide the issue.

5. It is settled law that the Will has to be proved by examining one of the Attestors to the document. Therefore, in cases of the Will, the opinion by the Handwriting Expert is not a conclusive evidence and the same shall not be resorted to unless the same is warranted in the facts and circumstances of the case.

6. In the case on hand, the petitioner wants the comparison of the disputed Will dated 10.12.2003 with admitted Mortgage Deed dated 29.11.1990 and Partition Deed dated 04.03.1988. The time gap between the admitted document and questioned document is more than 12 years. In the absence of contemporaneous document, the comparison of the Will with very old document is at all necessary. Therefore, I do not find anything to interfere with the impugned order passed by the Sub Court, Ranipet in I.A.No.5 of 2023 in O.S.No.448 of 2013, dated 02.12.2023.



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7. Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

The Sub Court,
Ranipet.



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S.SOUNTHAR, J.

dm

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