



WEB COPY

CRP No. 1633 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1633 of 2026

AND

CMP NO. 7628 OF 2026

1. Rajeshwari
W/o. Late K.Subramanian, Srirangan
Thottam, Bagavathy Nagar,
Kanagampalayam Village, Gobi Taluk,
Erode District.

Petitioner(s)

Vs

1. Jothimani
W/o. Late Venkatachalam, Srirangan
Thottam, Bagavathy Nagar,
Kanagampalayam Village, Gobi Taluk,
Erode District.
2.Shree Tharani
D/o. Late Venkatachalam Srirangan
Thottam, Bagavathy Nagar,
Kanagampalayam Village, Gobi Taluk,
Erode District.

3.The Branch Manager
Axis Bank Ltd., Sathyamangalam, Erode
District.

Respondent(s)

PRAYER

To set aside the order dated 12.09.2025 made in IA.No.6 of 2025 in OS.No.265 of 2020 on the file of Sub Court, Gobichettipalayam.

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For Petitioner(s): Mr.W.Camyles Gandhi For
Mr.P.Saravana Sowmiyan



ORDER

WEB COPY This Civil Revision Petition has been filed to set aside the order dated 12.09.2025 made in IA.No.6 of 2025 in OS.No.265 of 2020 on the file of Sub Court, Gobichettipalayam.

2. The petitioner herein filed IA.No.6 of 2025 in OS.No.265 of 2020 on the file of Sub Court, Gobichettipalayam, under Order 11 Rule 16 CPC r/w Section 151 CPC, and stating that in written statement the respondents have stated that late. Venkatachalam executed Will dated 09.08.2017 in respect of suit property in favour of defendants 1 & 2 but they have not produced the same. Hence, the plaintiff prays to produce the Will dated 09.08.2017 before the Trial Court. On the other side, the respondents/defendants contended that the present application was filed to drag on the proceedings. Upon hearing both sides, the Trial Court held that if at all the defendants taken the defence based upon the Will they have to prove the same as per manner known to law and if it is registered the plaintiff is able to produce the copy of the Will. Accordingly, dismissed the application. Challenging the same, the petitioner filed this Civil Revision Petition.

3. Heard the submission of the learned counsel for the petitioner.



4. On perusal of records, it reveals that plaintiff has filed suit in OS.No.265 of 2020 on the file of Sub Court, Gobichettipalayam for the relief of partition against defendants. In the said suit, the defendants 1 and 2 filed written statement claiming that suit property belongs to them based on the Will dated 09.08.2017. Now, the plaintiff filed the application before the Trial Court seeking to cause production of said original Will but the same was not accepted by the Trial Court stating that it is premature and it is the duty of the defendants to prove the Will.

5. Since the defendants are claiming right over the suit property based on the Will dated 09.08.2017, they are bound to prove the same as per manner known to law and also as per Section 68 of the Indian Evidence Act, the non production of Will impliedly reveals that they are not having that Will however they are directed to prove the same as per manner to law. Hence, this Court is not inclined to interfere with the findings of the Trial Court. However, Liberty is granted to the plaintiff to raise all objections with regard to Will dated 09.08.2017. The Trial Court is directed to pass the judgement without being influenced of the observation made in this order.

6. In the result, this Civil Revision Petition is dismissed. No Costs. Pending miscellaneous petition, if any, is/are closed.

23-03-2026

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To

1. The Sub Court, Gobichettipalayam.
2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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