



WEB COPY

CRP No. 4186 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 4186 of 2025

C.M.P.No.21514 of 2025

1. G.Christal Mary
2. G.Christie

..Petitioner(s)

Vs

G.Derrin

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the impugned order passed by the learned II Additional District and Sessions Judge, Poonamallee, dated 05.08.2025 dismissing the petition filed in I.A.No.1 of 2025 in O.S.No.131 of 2017 under Order VI Rule 17 of C.P.C. for amendment of plaint and consequently, direct the learned II Additional District and Sessions Judge, Poonamallee, to expeditiously dispose of the original suit within a time as may be stipulated by this Court.

For Petitioner(s):	Mr.S.Venkatesh
For Respondent(s):	Mr.V.R.Appaswamee

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking amendment of the plaint.



2.The petitioners herein filed a suit for partition against the respondent.

The suit was resisted by the respondent by relying on a Will executed by his mother dated 06.08.2014. Though the written statement was filed by the respondent / defendant on 11.09.2018 along with the petition to set aside the *ex-parte* decree passed against him, the instant application has been filed by the petitioners / plaintiffs only in the year 2025. The petitioners by way of amendment wants to include a new prayer in the plaint seeking declaration that the Will dated 06.08.2014 relied on by the respondent as null and void and not binding on the petitioners / plaintiffs. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioners are before this Court.

3.Heard the learned counsels on either side and perused the materials available on record.

4.The petitioners filed a suit for partition and the suit was resisted by the respondent by relying on a Will executed by his mother. It is settled law that it is the duty of the propounder to prove the Will and till Will is proved by in the manner known to law, no validity can be attached with the Will. The plaintiffs need not seek a declaration that Will is null and void and not binding on them. The validity of the Will can be gone into by the trial Court even without any prayer by the petitioners / plaintiffs. Therefore, the present amendment



application filed by the petitioners seeking inclusion of prayer regarding the validity of the Will is wholly unnecessary. Therefore, though I am not agreeing with the reasoning given by the trial Court for dismissing the application, I agree with the final conclusion of the trial Court on different reasoning. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

23-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ep

To

II Additional District and Sessions Judge,

Poonamallee,



WEB COPY

CRP No. 4186 of 2



S.SOUNTHAR, J.

ep

**CRP No. 4186 of 2025
C.M.P.No.21514 of 2025**

23-01-2026