



WEB COPY

A No. 5392 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

**A No. 5392 of 2025
in T.O.S.No.37 of 2022**

1. Catherine Joseph
D/o.Late P.V.Joseph, No.126, Kamaraj
Nagar, Ernavoor, Chennai-57.

Applicant(s)

Vs

1. Shreya Celes
D/o.Celestine Joseph, Rep.by her
Power of Attorney Mr.S.Parthiban,
No.20/80, Jeevan Bhima Nagar, Anna
Nagar, Western Extension, Chennai 600
101.

Respondent(s)

PRAYER: Application is filed to issue Subpoena to Dr.Sridhar Vaitheswaran,
Consultant Psychiatrist, Dementia Care, SCARF, Chennai to appear in person
and produce all relevant medical records of Late P.V.Joseph.

For Applicant(s): M/S.R. Rajesh Kumar

For Respondent: Mr.A.Swaminathan



ORDER

This application is filed seeking to issue summons to one Dr.Sridhar Vaitheswaran, Consultant Psychiatrist, Dementia Care, SCARF, Chennai, to appear in person and produce all relevant medical records of Late P.V.Joseph.

2. No better affidavit has been filed so far despite sufficient time has been given to the applicant.

3. The learned counsel for the applicant submitted that the witness has to be summoned in order to produce the medical records and verify whether Ex.P11 is the signature of the witness and whether the testator was medically and mentally fit on 23.10.2018 on which date the Will has been executed and to explain the nature and extent of the testator's cognitive impairment during the relevant point of time.

4. The learned counsel for the respondent submitted that the application has been filed just with an intention to harass the witness and to delay the proceedings. The certificate was issued by the Doctor after examining the testator for executing the settlement deed and hence there need not be any doubt as to the capability and competence of the testator to write a Will.



5. Even though the Doctor who has issued the certificate can be examined only with the limited aspect of his granting of certificate, the applicant has extended the scope of his examination to produce all the medical records of the testator from the year 2014 and explain the cognitive impairment of the testatrix during the relevant period. As the witness is said to have given only Ex.P11, he can be summoned and examined only on the limited aspect of issuance of Ex.P11 without harassing the witness to produce the medical records from the year 2014.

6. Since the petitioner tries to extend the scope of examination of witness to be summoned, I feel this application can be allowed in respect of issuing summon to the witness only to speak on Ex.P11 certificate issued by him. With regard to the rest of the prayer, the application is dismissed.

7. Accordingly, this application is partly allowed.

12-02-2026

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

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R.N.MANJULA J.

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