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A No. 6018 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

**A No. 6018 of 2025
in T.O.S.No.89 of 2024**

1. M.A.Sundareswaran,
S/o.Late M.S.Anantharaman,
Old No.7, New No.12, Thiyagarajapuram,
Near Madava Perumal Temple,
Mylapore, Chennai 600 004.
2. M.A.Krishnaswamy
S/o.Late M.S.Anantharaman,
No.110/36, Apparswami Koil Street,
Mylapore, Chennai 600 004.

..Applicant(s)

Vs

Dr.M.A.Bhageerathi
W/o. N.Kanakasabesan
and D/o. Late M.S.Anantharaman,
at GF2, Coronet Castle No.7/16,
Marvadi Tottam, Mylapore,
Chennai 600 004.

..Respondent(s)

PRAYER – This Application is filed under Order XIV Rule 8 of O.S. Rules read with Order VII Rule 14(3) of the C.P.C. to grant permission to receive the additional documents filed by the Applicants/Plaintiffs.

For Applicant(s): M/S.K.V. Sundararajan

For Respondent(s): M/s.Aravind Srevatsa

**ORDER**

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This application has been filed by the applicants/plaintiffs to receive the following documents in order to produce them as evidence on the side of the plaintiffs:

S. No.	Date of Doc.	Description of Document	Nature
1.	04.01.2006	In page No.44 of “India Today” publication mentioning about Testator along with the Plaintiffs.	Original
2.	Series	“The Hindu” publication mentioning about Testator and the Plaintiffs with the photograph (2 Nos.)	Original
3.	Series	Offers made by All India Radio for engaging Testator and also to perform with the Plaintiffs (2 Nos.)	Original
4.	05.05.2009	Letter issued by the Music Academy of Madras for fixation of Testators performance	Original
5.	-	Invitation issued by Tamil Nadu Music College for giving Award namely “Kalai Neraivithakar” to the Testator	Original
6.	25.01.2010	Letter issued by Principal of Tamil Nadu Music College thanking the Testator for receiving the award by the College	Original



7.	21.01.2011	“The Hindu” Publication mentioning about the Testator, Plaintiffs and the Defendant with Photo	Original
8.	19-25.10.2013	“The Mylapore Times” Publication mentioning about the Testator and the Plaintiffs with Photograph	Original
9.	11.01.2013	“The Hindu” Publication mentioning about the Testator and Plaintiffs with Photo	Original
10.	09.01.2015	“The Hindu” Publication mentioning about the Testator with Photo of the House	Original
11.	-	Passport of the Testator	Photo Copy
12.	-	Marriage invitation of Testator Grandson	Original
13.	-	Reception Invitation of Testator’s Grand Son	Original
14.	-	Pen drive	Original

2.It is submitted by the learned counsel for the applicants that the applicants have got a duty to prove that the testator was in a disposing state of mind at the time when the Will was executed. He further submitted that the defendant has raised her contention in written statement about the health condition of the testator after 2000 and in the event of the plaintiffs not allowed to produce these documents, it will not be possible for them to prove that the



testator was in a sound, disposing state of mind after 2000. The Will in question is a registered Will.

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3.The Will is of the year 1986. The Testator's state of mind after 2000 is nowhere relevant to prove his health condition during the year 1986, when he executed the Will. It is needless to say that the validity and genuineness of the Will can be proved in the manner known to law and more specifically under Section 63 of the Indian Succession Act and Section 68 of the Indian Evidence Act. Even by producing these documents alone, it cannot be presumed that the plaintiffs have discharged their burden in the manner known to law and as stated above. In the event of the plaintiffs discharging their burden as laid down by the law, then it is for the defendant to disprove and establish that the testator was not in a sound state of mind at the time when the Will was executed in the year 1986. The scope of the T.O.S. is well limited and it revolves around the genuineness of the Will and not any other thing or any other disposals that might have occurred subsequent to the date of the execution of the Will, unless such transactions are made to the effect of cancelling the subject Will.

4.It is to be noted that no other suit has been filed or ordered to be tried along with T.O.S. which would compel the plaintiffs to produce these documents pertaining to the change in the title if any subsequent to 1986.



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5.As these documents are not relevant to the issue now floats in the T.O.S., the Application stands dismissed. No costs.

08-01-2026

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

GSA

To

Dr.M.A.Bhageerathi,
W/o. N.Kanakasabesan,
D/o. Late M.S.Anantharaman,
at GF2, Coronet Castle No.7/16,
Marvadi Tottam, Mylapore,
Chennai 600 004.



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DR.R.N.MANJULA, J.

GSA

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08-01-2026

Page 6 of 6