



WEB COPY

A No. 5584 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 5584 of 2025

and

O.P.No.211 of 2025

1. R.Shanthi
W/o. Jawahar,
No.73, Velmurugan Nagar,
1st Main Road, Kolathur,
Chennai 600 099.
2. R.Jaya
W/o. Vijayakumar,
No.21/9, Nesavalur Street,
Triplicane, Chennai 600 005.

..Applicant(s)

Vs

1. R.Madhuram
W/o. V.S.Ramalingam,
Old No.65/2, New No.48,
Surappa Mudali Street,
Triplicane, Chennai 600 005.
2. M.Hasini
D/o. R.Murugan,
Minor Rep.By her father R.Murugan,
Old No.65/2, New No.48,
Surappa Mudali Street,
Triplicane, Chennai 600 005.
3. M.Harshini
D/o. R.Murugan,
Minor Rep. by her father R.Murugan,
Old No.65/2, New No.48,
Surappa Mudali Street,
Triplicane, Chennai 600 005.



4. R.Murugan
S/o. V.S.Ramalingam,
Old No.65/2, New No.48,
Surappa Mudali Street,
Triplicane, Chennai 600 005.

5. P.Sakthivel
S/o. Ponpandi Nadar,
Old No.65/1, New No.47,
Surappa Mudali Street,
Triplicane, Chennai 600 005.

..Respondent(s)

PRAYER: This application filed Under Order XIV Rule 8 of O.S.Rules r/w Order XVI Rule 1 of CPC, 1908 to issue subpoena directing the 4th Respondent to bring the Original Will and Title Deed along with parents documents of the schedule mentioned property of petition praying Letters of Administration before the Hon'ble Court.

For Applicant(s): Ms.S.THILAKA
S.Venkata Subramanyam

For Respondent(s): Ms.S.Vasanthi
for R1

Mr.M.Karthick Raja
for R2 to R4

Mr.D.Sai Kumararn
for R5

ORDER

The applicants have filed the present application seeking issuance of subpoena to the 4th respondent to produce the alleged original Will said to have been executed by the deceased V.S. Ramalingam. It is the further case of the



applicants that the said Will was registered as Document No.1 of 2020 in Book III in the office of the Sub-Registrar, Triplicane, Chennai. The petitioners have also sought production of the original title deed and parent documents relating to the subject property.

2.Heard the learned counsel appearing for the applicants as well as the learned counsel for the respondents.

3.The Original Petition in O.P.No.211 of 2025 has been filed by the applicants seeking grant of Letters of Administration with the certified copy of the Will annexed, in respect of the estate of late V.S. Ramalingam. In the Original Petition, the applicants have pleaded that they came into possession only of the certified copy of the Will and that the original Will, the original sale deed and the parent title deeds are in the custody of the 4th respondent. The present application has been taken out on that basis.

4.The 4th respondent entered appearance and filed a counter contending that the alleged Will is neither in his possession nor in his custody, and that he has no manner of control over the said document. The 4th respondent has further contended that the alleged Will is in English and that the testator was not conversant with the English language.



5. In the absence of any prima facie material to indicate that the document is in the possession or control of the respondent, this Court cannot issue a direction compelling its production. The provisions relating to discovery and production of documents under the Code of Civil Procedure may be invoked only when the Court is satisfied that the document sought to be produced is in the custody or control of the person against whom such a direction is sought.

6. However, the respondents' denial of possession is placed on record. It is open to the applicants to establish the existence and due execution of the alleged Will by adducing appropriate evidence or by summoning the relevant witnesses or records in the manner known to law. It is also open to the applicants to rely upon the certified copy of the Will obtained from the office of the Sub-Registrar, subject to establishing the Will in accordance with law, as contemplated under Chapter II of the Indian Succession Act, 1925.

7. It is further to be noted that, under Order XXV Rule 10 of the Original Side Rules, an application seeking issuance of subpoena for production of a Will is required to be moved before the learned Master. In the present case, however, the application has been filed directly before this Court.



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8. In the light of the above circumstances, no further orders are called for in this petition.

9. Accordingly, the application stands dismissed, leaving it open to the applicants to work out their remedies in the manner known to law.

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DR.A.D.MARIA CLETE, J.

sms

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