



WEB COPY

A No. 417 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

A No. 417 of 2026

and

OP No. 125 of 2025

B.Venkatesan

..Applicant

Vs

1. B.Selva Kumar
2. T.Manjula
3. C.Thilagavathy

..Respondents

Prayer in A No. 417 of 2026: To Permit the Petitioner to take the evidence of the third Respondent namely C.Thilagavathi as third party to identify the signatures of the Will dated 24/09/2009 registered as Doc.no.99 of 2009 to render evidence in O.P.No.125 of 2025.

For Applicant:

Ms.Preethi Raj

For Respondents:

M/s.G.Kiron shetty

ORDER

This application has been filed to permit the petitioner to take the evidence of the third respondent namely C.Thilagavathi as third party to identify



the signatures of the Will dated 24.09.2009 registered as Doc.No.99 of 2009 to render evidence in O.P.No.125 of 2025.

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2. The applicants are the petitioners in the main petition. The main petition has been filed for the grant of letters of administration etc based on the Will. Both the attestors in the Will are no more now and therefore, the 3rd respondent is the only person to identify the signatures of the testator as well as the attesting witness. Therefore filed this application to examine the said 3rd respondent as witness. The respondents also reported that they are not going to examine any witnesses on their side. Since the 3rd respondent is the competent witness to speak about the identity of the signatures of the testators as well as the attesting witness to prove the Will, he has to be examined as witness.

3. Considering the reasons stated in the affidavit and the facts and circumstances of the case, it is essential and appropriate to provide a fair opportunity to the petitioners. Accordingly, The Application in Application No.417 of 2026 is allowed and the matter is referred to the learned Master for recording evidence on 05.02.2026.

29-01-2026

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P.DHANABAL J.

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