

IN THE I ADDITIONAL DISTRICT & SESSIONS COURT
AT CUDDALORE

Present: Thiru. **S. Prakash**, B.Sc., B.L., LL.M.,
1st Additional District & Sessions Judge (FAC),

Thursday, the 12th day of October, 2023

I.A.No.486/2023 in O.S.No.70/2021

(CNR No. TNCD01 - 001528-2021)

S. Ramasamy

... Petitioner / Plaintiff

/vs/

N. Viswakethu

... Respondent / Defendant

This Petition came up before me for final hearing on 07.10.2023 in the presence of Mr. O.S.Rajasekaran, Advocate for the Petitioner and Mr.R.Subramani, Advocate for the Respondent and upon hearing the arguments on both side and upon perusing the case records and having stood over for consideration till this day and this Court delivered the following:

ORDER

1. The instant petition was filed under Order XVI Rule 1 & 5 of CPC to issue summons to the scribe relates to a Will document dated 07.02.2020 executed by Dhanakodi.

2. Heard both sides. Petition, oral reply and case materials are carefully perused and considered.

3. The main suit was filed for declaration of Plaintiff's alleged title over the suit properties and for recovery of possession. The Plaintiff based his claim with reference to an alleged Will dated 07.02.2020 executed by Dhanakodi infavour of Plaintiff. In order to substantiate the Will dated 07.02.2020 as well as to satisfy the legal requirement relates to genuineness of the testament - like Will, the litigant ought to examine Scribe and concerned persons as witnesses during trial. As such, the claim of the Plaintiff is justifiable and accordingly this Court inclined to allow the relief sought in this Petition.

Conclusion :

4. In the result, the Petition filed under Order XVI Rule 1 & 5 of CPC is allowed. Issue summons to Ramamurthy, Document writer, Natha Velli Road, Near Sub-Registrar Office, Thiruppapuliyur, Cuddalore-2, deposed about the Will document dated 07.02.2020 allegedly executed by Dhanakodi. No costs.

// Dictated to the Steno-Typist, written and transcribed by her, corrected and additions made by me in my official Laptop and pronounced by me in open Court on this the 12th day of October 2023 //

**I Additional District & Sessions Judge (FAC),
Cuddalore.**

Both sides Exhibits & Witnesses :- Nil

**I Additional District & Sessions Judge (FAC),
Cuddalore.**