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In the Court of the I Additional District Court, Madurai.

Present: Thiru.G.Muthukumaran, B.Sc., M.L.

I Additional District Judge, Madurai

On the 01<sup>st</sup> day of September 2025, Monday

**I.A.No.1/2024 in Probate OP No.146/2023**

K.M.Aparna, D/o.late.Dr.K.V.Maheswaran,  
No.765, West Main Road,  
Opposite to Cinipriya Theatre, Anna Nagar,  
Madurai – 625 020.

... Petitioner/Respondent

///VS//

1. Preetha Vignesh, W/o.Vignesh Baby,  
D/o.late.Dr.K.V.Maheswaran,  
No.765, West Main Road,  
Opposite to Cinipriya Theatre, Anna Nagar,  
Madurai – 625 020.

2. K.M.Harsitha @ Harshitha Kuttuva Maheswaran,  
W/o.Sudharsan, D/o.late.Dr.K.V.Maheswaran,  
No.765, West Main Road,  
Opposite to Cinipriya Theatre, Anna Nagar,  
Madurai – 625 020.

... Respondent/Petitioner

In this Petition Advocate Thiru.C.S.Kavitha Kanna M.A., M.L., has appeared for the Petitioner and Advocate N.Sathish Babu has appeared for the Respondent. That this petition came up for final hearing before me 22.08.2025. On hearing both side argument and on perusing the records having stood over for consideration of this court till this day this court delivers today he following,

**ORDER**

1. This petition is filed Under Order XIII Rule 1 of CPC., to direct the



Respondent/Probate Petitioner to produce the Medical Summaries and Medical Prescriptions of the deceased Dr.K.V.Maheswaran and documents relating to the will dated 26.11.2016

**Brief Statement of the petition averments :-**

2. This petition is filed to direct the Respondent/Probate Petitioner to produce Medical summaries and Medical Prescriptions of the deceased Dr.K.V.Maheswaran and for production of documents relating to the immovable properties mentioned in the unregistered will dated 26.11.2016 and for production of the particulars and values of investments such as shares, equities, insurance mentioned in the unregistered will dated 26.11.2016 and movable and documents relating to movable and immovable properties mentioned in the unregistered will dated 26.11.2016.

**The brief of the counter filed by the Respondent**

3. Except the date of death of the respondents parents The particulars mentioned in para 3, 4, 5 of the petition are all false. That the petitioner/respondent has executed a relinquishment deed on 15.11.2006 and she has forfeited the rights to the property. That the petitioner has trespassed in the property and there are CCTV footage. That this respondent has filed OS 95/2024 seeking permanent injunction against the petitioner. That the petitioner has no legal right over to the suit property. That this i.a is filed with view to drag on the proceedings. Hence prayed to dismiss this petition.

**4. Point for consideration:**

1. Whether this petition is to be allowed?

**Finding for point for consideration:**

5. The learned counsel appearing for the petitioner has submitted that the medical



summary and the medical prescriptions of the deceased Dr.K.V.Maheswaran is with the respondent. That the documents relating to all the movable and immovable properties mentioned in the will dated 26.11.2016 is with the respondent and the respondent has the particulars as to shares, equities and insurance and the value of the and hence pray to direct the respondent to produce those documents.

6. The learned Respondent counsel has submitted that no medical summaries and medical prescriptions are not available with the respondent and submitted that only the documents relating to the immovable properties mentioned in the will dated 26.11.2016 alone is in the custody of the respondent and pray to dismiss this petition.

7. In the main Probate petition the Respondent/ petitioner has not stated that medical summaries and medical prescriptions of deceased Dr.K.V.Maheswaran are with her. Regarding the document relating to movable and documents relating to immovable properties and shares, equities and investment and the particulars as to valuation are all out of the scope of the enquiry in the probate proceedings.

8. In a probate petition the petitioner has not prove that

1. whether the testator has executed the will
2. Whether the testator was of said main at the time of execution of the said will?
3. Whether the said will was executed on free consent of the testator?
4. Is that the last will of the testator?

9. The petitioner also has not mentioned the Doctor with whom the said Dr.K.V.Maheswaran took treatment and the date on which he underwent treatment and the particulars of any treatment said to be given to Dr.K.V.Maheswaran.



10. Under this circumstances this court finds that no reasons allow this petition. Hence this petition is dismissed.

11. In the result, this petition is dismissed.

Dictated to Steno-Typist and typed by her directly to in the computer, printed out corrected, signed and pronounced by me in the Open court on this the 01<sup>st</sup> day of September 2025.

I Additional District Judge,  
Madurai.