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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 23RD DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

T.O.S.No.33 of 2015

In the matter of the Indian Succession
Act XXXIX of 1925 and
In the matter of Last Will and
Testament of V.Shanmugam
-(Deceased)

1. S.RAJESWARI
W/O.LATE V.SHANMUGAM,
NO.T-66, 1ST STREET,
ANNA NAGAR,
CHENNAI-600 040

2. PREMA KUMARI
W/O.RAJAKANNU AND
D/O.LATE V.SHANMUGAM,
NO.J,14, 3RD FLOOR,
3RD AVENUE, ANNA NAGAR,
CHENNAI-600 102

..Petitioners/Plaintiffs

-Vs-

S.RAVICHANDRAN
S/O.LATE V.SHANMUGAM
B-3/11, AISHWARIYAM APARTMENTS,
4TH MAIN ROAD,
NOLAMBUR,
CHENNAI-600 095.

..CAVEATOR/DEFENDANT



This Testamentary Original Suit coming on this day before this court for hearing the court made the following order:

The parties have filed draft issues. Upon hearing the counsel on either side, the following issues are framed for consideration :

1. Whether the last Will and Testament executed by deceased V.Shanmugam on 17.06.2005 in respect of the schedule property in favour of the plaintiffs is valid and binding and no impediment in granting probate?

2. Whether the Will dated 17.06.2005 was executed by way of force or under pressure from the 2nd plaintiff and her husband?

3. Whether the property involved in the suit is a joint property of the defendant and the testator and whether the testator is entitled to execute the Will?

4. Whether the testator V.Shanmugam had executed his last Will and Testament by way of revoking the Will which is in the hands of the 1st plaintiff and the 1st plaintiff had suppressed the same to probate the Will in question?

5. Whether the defendant is one of the attesting witnesses to the said Will dated 17.06.2005?



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6. *Whether the suit is barred by limitation as the testator died on 26.03.2007 and the plaintiffs have not explained the delay in filing O.P.No.24 of 2015?*

7. *To any other reliefs, the parties are entitled to?*

2. It is now submitted before this Court that C.S.No.67 of 2020 is to be clubbed along with this suit.

3. The Registry is directed to post this matter along with C.S.No.67 of 2020 before the Master for trial.

Sd/.V.B.S.J.
23.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./31.03.2022

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.