



WEB COPY

CRP No. 2257 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2257 of 2026

AND

CMP NO. 9776 OF 2026

Karuppanna Gounder @ Karuppasamy (Deceased)

Muthulakshmi
W/o. Karmegam,
Servakkaaranpalayam,
Lakkumanaickenpatti Village,
Kangeyam Taluk.

..Petitioner(s)

Vs

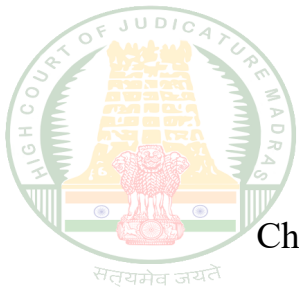
1. Minor Tharunika
Rep. by her mother Banupriya,
4/77E, Anushree Avenue,
Krishna Nagar and Amman Nagar,
Bethanaickenpalayam Post, Coimbatore.
2. Banupriya, D/o.kathirvel,
No.4/77E, Anushree Avenue,
Krishna Nagar and Amman Nagar,
Bethanaickenpalayam Post,
Coimbatore.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 20-02-2026 made in IA.No.9 of 2025 in OS.No.67 of 2022 on the file of the Sub Court, Kangeyam.

For Petitioner(s):

Mr.N.Ponraj

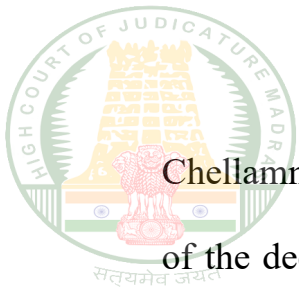
**ORDER**

Challenging the impugned dated 20-02-2026 made in IA.No.9 of 2025 in OS.No.67 of 2022 on the file of the Sub Court, Kangeyam, the defendant has preferred this revision.

2. The plaintiff has filed an application before the trial court, to send the Will dated 16.11.2017 in Ex.B1 relied by the defendant to obtain the expert opinion. The said application was allowed by the trial judge by holding that the said Will was admitted by one of the testator / first defendant while he was alive by filing written statement. In such circumstances, the Will need not be sent for expert opinion. Aggrieved over the same, the plaintiff in the Suit has filed this revision petition.

3. The learned counsel for the revision petitioner submits that since the Will was already admitted by one of the testator, it does not require further proof. Therefore, the court below erroneously allowed the application to be sent for expert opinion.

4. On seeing the fact it reveals that the plaintiffs / respondents have filed the Suit for partition and other reliefs against the petitioner / 2nd defendant and her father, Karuppanna Gounder in O.S.No.67 of 2022 on the file of the Sub Judge Kangeyam, wherein it was alleged that the petitioner's mother,



Chellammal died intestate and the respondents, being the legal representatives of the deceased Saminathan, who is the son of the above Chellammal, claimed share over the property. While so, the petitioner's mother Chellammal died leaving a Will dated 16.11.2017 and the same was admitted by the petitioner's father, who is one of the Testator, by filing a Written Statement. But, still the plaintiffs/respondents are disputing the genuineness of the Will. As the respondents / plaintiffs filed the suit for partition, disputing the Will hence to establish their defence they had filed the application to send the Will for Expert Opinion, which was rightly allowed by the Court below and therefore, requires no interference. The parties are directed to appear for the trial proceedings.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

20-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL

To

1. The Sub Court, Kangeyam.



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T.V.THAMILSELVI J.

MTL

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