

SA(MD). No.201 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

SA(MD). No.201 of 2026

Narayanan

... Appellant

Vs

1. Krishna Konar  
2. Narayanakumar

... Respondents

PRAYER :-

Second Appeal filed under Section 100 of Civil Procedure Code, to set aside the judgment and decree passed in AS No.18 of 2023 dated 29.07.2025, on the file of the Principal District Court, Tirunelveli partly reversing the judgment and decree passed in OS No.35 of 2017 dated 27.10.2022 on the file of the Sub Court, Ambasamudram.

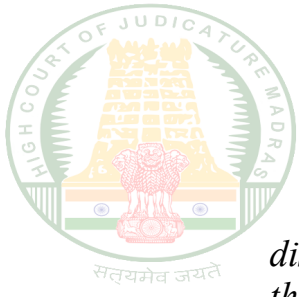
For Appellant : Mr. S. Packiya Muthu

ORDER

The Second Appeal is admitted on the following substantial questions of law:

*i) Whether the lower appellate Court erred in*

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*disbelieving the attestation of will solely on the ground that the attesting witness is a friend of the testator, ignoring the statutory provisions under Section 63(c) of the Indian Succession Act, 1925 and Section 68 of the Indian Evidence Act, 1872?*

*2) When the lower appellate Court has given a finding that the defendant had no title and also failed to prove adverse possession, is it right in denying title of the plaintiff by holding that Will is not proved, without considering that even otherwise the plaintiff is entitled to the share s per Section 8 of the Hindu Succession Act?*

Notice to the respondents through Court as well as privately returnable by 19.06.2026. Registry is directed to call for records from the Court concerned.

28.04.2026

trp