



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

FRIDAY, THE 13TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.4237 of 2013

IN

T.O.S.No. 3 of 1971

In the matter of the Indian
Succession Act XXXIX of 1925, and
In the matter of Last Will and
Testament of Smt.T.K.Kannamma ,
Widow of T.K.Kannanayya -
Deceased

V.Srinivasiah,
S/o.V.Varadarajaiah,
residing at Model House, 1-A,
Conoran Smith Nagar,
Madras-12.

..Petitioner

-Vs-

B.T.Kuppuswamy,
S/o.Andal Ammal,
No.3, Varadiar Street,
George Town,
Chennai.

..Caveator /Defendant

A.No.4237 of 2013:



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and appointment of
administrators/executors under the
Last Will and Testament of
Smt.Kannamma, Widow of
T.K.Kannanaya Intestate deceased and
the fixing the liability of the
respondent.

CHENNAI SATHATHA SRI VAISHNAVA SANGAM,
REPRESENTED BY ITS SECRETARY G.R. NARASIMULU
S/O.G.C.RANGIAH,
No.10, SURATH BHAVAN STREET,
STRAHAN'S ROAD CHENNAI – 600 012 ..PETITIONER

-VS-

1. V.S. SRIMAN NARAYAN
NO.1-A, CONORAN SMITH NAGAR,
PERAMBUR BARRACKS ROAD,
CHENNAI - 12

2. V.S. NANDAGOPAL
NO.4374, TNH, 5TH MAIN ROAD,
AYYAPAKKAM, CHENNAI-77 ..RESPONDENTS

This application praying that this Hon'ble Court be pleased to revoke
the probate granted in T.O.S.No.3 of 1971 by fixing liability on the
respondents for their own wrong in misappropriating the properties vested
under the registered will dated 09.07.1965, executed by the T.K.Kannamma
and consequently provide for the succession of petitioner to the office of
executer to carry out the objects of the testatrix of the registered Will dated
09.07.1965 and to vest in such executor of the properties bequeathed under
the Registered Will of T.K.Kannamma dated 09.07.1965.



WEB COPY This application coming on this day before this court for hearing the court made the following order:

This application has been filed seeking revocation of the probate granted in TOS.No.3 of 1971 on 29.06.1973.

2. The primary allegation on which the application has been filed is that the Executors are not utilising the property as per the directions in the Will.

3. The respondents though served are not appearing either in person or through counsel duly instructed.

4. The grievance of the applicant is that the terms of the Will have not been implemented by the Executors. If that is their grievance, revocation of probate is not the remedy. If the probate is revoked, neither the Executor nor the applicant can implement the terms of the Will. The property will not vest in the applicant by revocation of probate. Hence, I do not think revocation of probate is remedy that is available for the applicant.



5. This application is therefore **dismissed**, reserving liberty to the applicant to file appropriate proceedings seeking implementation of the terms of the Will, which are to the effect of creation of Public Trust in favour of particular community.

Sd/.R.S.M.J.
13.08.2021

//Certified to be a true copy//
Dated this the day of 2021.

Su/17.08.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.