



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

THURSDAY, THE 11th DAY OF FEBRUARY 2021

THE HON'BLE MS. JUSTICE P.T.ASHA

TOS.No.1 of 2004
(O.P.No.359 of 2002)
and
A.No.6646 of 2017

In the matter of the Indian Succession
Act. XXXIX of 1925
and
In the matter of the Last Will and
Testament of E.K.Pattabirama
Reddiar-Deceased.

1. C.Satyanarayanan (Deceased)
S/o Late K.Chakrapani Reddiar,
residing at No.19-A, Ranga Bashyam Chetty Street,
Saidapet (West),
Madras – 15.

***2. Syamalavalli**

***3.S.Nirmala**

***4.Sangeetha**

***5.Sujatha**

***6.Minor Indra**

natural guardian mother

*** Plaintiffs 2 to 6 brought on record
as LR of deceased 1st Plaintiff
as per order dated 13/7/09 in
Appln.No.1335/04 in TOS 1/04**

... Petitioner/Plaintiff

-VS-



residing at No.21, Venu Reddy Street,
Guindy, Chennai – 32.

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2. Santhana Lakshmi (**Deceased**),
W/o Late Jagannatha Reddiar,
residing at No.7, Kambar Street,
Alandur, Chennai – 600 016.

***3.J.Sriram**

***4.Padmavathy**

***5.Devatha**

***6.Kumar**

***(Defendants 3 to 6 brought on
records as LR's of deceased**

2nd defendant as per order dt 23/7/12

in Appln.No. 2063/12 in T.O.S.1/2004) ... Respondents/Defendants

TOS.No.1 of 2004:-

Testamentary Original Suit praying that this Hon'ble Court be pleased to that the letters of administration with the will annexed may be granted to him as the beneficiary under the will of the said deceased having effect throughout the state of Tamil Nadu.

A.No.6646 of 2017:-

C.Satyanarayanan (Deceased)

1.S.Nirmala

2.Sangeetha

3.Sujatha

4.Indra, Minor, rep. by next friend & natural guardian mother,

All residing at

Old No.19-A,

New No.24, Rangabashyam,

Chetty Street, Saidapet,

Chennai – 600 015.

<https://hcservices.ecourts.gov.in/hcservices/>

(Applicants 1-4 are the Legal

Representatives of the 1st Plaintiff brought



on record as per order Dated 13.07.2009
made in Appln.No.1335 of 2004)

... Applicants 1-4/
Plaintiffs 3-6

-VS-

1.P.Saraswathi Ammal,
No.21, Venu Reddy Street,
Guindy, Chennai – 32.

... 1st Respondent/
1st Defendant

Santhana Lakshmi (Since Deceased),
2.J.Sriram
3.Padmavathy
4.Devatha
5.Kumar
Respondents 2 to 5 residing at
Flat C3, 7, 4th Cross Street,
R.A.Puram,
Chennai – 600 028
(Defendants 3-6 are the L.Rs.
of the 2nd Defendant brought on
record as per order dated 06.08.2012
made in Appln.No.2063 of 2012).

6.Shyamalavalli,
residing Old No.19-A,
New No.24, Rangabashyam,
Chetty Street, Saidapet,
Chennai 600 015.

... 6th Respondent/
2nd Plaintiff

(LR of the 1st Plaintiff
brought on record as per
order dated 13.07.2009 made in
Application No.1335 of 2004)

Application praying that this Hon'ble Court be pleased to permit the
Applicants/Plaintiffs 3-6 to amend the Original petition/Original Plaint/

Affidavit of assets in OP.No.359 of 2002 now T.O.S.No.1/2004

(i) by incorporating necessary amendment in para 5 of the original



petition original/ Original Plaint by introducing after the words “the 5th day of March, 1982” as and the subsequent will dated 22-10-1982 and also the subsequent family arrangement 'Kudumba Pirivinai Erpadu Ninaivu Kurup' dated 22.10.1982”.

(ii) to amend the Affidavit of Assets in O.P.No.359 of 2002 now T.O.S.No.1/2004 by incorporating the following averments by deleting the existing schedule of Assets and by incorporating the following assets with value thereof:-

a) House and property at Rangabhashyam Street, Saidapet, Chennai measuring 3 grounds and 594 sq.ft. Valued at Rs.2,13,87,920/-

b) The property at Alandur, G.S.T.Road (2 Grounds 1910 sq.ft) valued at Rs.4,50,07,000/-

c) T.Nagar Sadullah Street Vacant site measuring an extent of 2 grounds and 813 sq.ft. Valued at Rs.1,15,50,800/-

d) Ekkattuthangal Reddy Street vacant site measuring an extent of about 2 grounds valued at Rs.1,17,61,984/-

e) Land measuring an extent of 2050 sq.ft. At Ekkattuthangal valued at Rs.43,95,200/-.

f) Six feet well in 45 sq.ft. at Ekkattuthangal valued at Rs.20,000/-.



of 1.25 acres valued at Rs.16,41,66,750/-

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h) Alandur Vembuliamman Koil Street vacant site measuring an extent of 2 ground 250 sq.ft valued at Rs.49,74,750/-

i) Saidapet New Colony vacant land measuring an extent of 1 ground 18 sq.ft. Valued at Rs.64,80,240/-

j) House and Land at Saidapet New Colony measuring an extent of 3 grounds valued at Rs.1,92,96,000/-

Total Value of the Estate ..Rs.29,89,90,644/-

Letters of Administration
with will annexed after exclusion
of such items mentioned in
Annexure "B" ..Rs.29,89,89,644/-

Net Value of Estate ..Rs.29,89,89,644/-

iii) Para 7 of the Affidavit of Asset to be changed as Rs.29,89,90,644/- and Rs.29,89,89,644/- respectively instead of Rs.3,64,500/-

This Testamentary Original Suit alongwith the application coming on this day before this court for hearing in the presence of Mr.R.Thiagarajan, Advocate for the petitioners 3 to 6 in T.O.S.No.1 of 2004 and for the applicants in A.No.6646 of 2017 and Mr.P.J.Rishikesh, Advocate for the 1st defendant in T.O.S.No.1 of 2004 and for the 1st respondent in A.No.6646 of 2017 and Mr.C.Jagadish, Advocate for the defendants 3 to 6 in T.O.S.

No.1 of 2004 and for the respondents 2 to 5 in A.No.6646 of 2017 and upon



reading the petition filed in T.O.S.No.1 of 2004 and the judge's summons and the affidavit of Nirmala filed in A.No.6646 of 2017 and this court having observed that the plaintiffs in T.O.S.No.1 of 2004 have now a filed probate proceedings in respect of a subsequent will dated 22.10.1982 in O.P.D.No.63667 of 2020 filed on 23.09.2020, they have also taken out an application in A.No.7191 of 2019 in the connected suit in C.S.No.252 of 1996 for raising an additional written statement regarding the above, wherein they have made claim on the basis of the later Will, considering the fact that the subsequent Will has now been put forward by the plaintiff in T.O.S.No.1 of 2004, nothing services for consideration in the Testamentary Suit, **it is ordered as follows:-**

That the suit in T.O.S.No.1 of 2004, be and is hereby dismissed.

2. That the A.No.6646 of 2017, do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
11th DAY OF FEBRUARY 2021.

Sd/-

JOINT REGISTRAR (O.S)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



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TOS.No.1 of 2004
(O.P.No.359 of 2002)
and
A.No.6646 of 2017

ORDER

DATED: 11.02.2021

THE HON'BLE MS.JUSTICE

P.T.ASHA

FOR APPROVAL: 08.07.2021

APPROVED ON: 13.07.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

TOS.No.1 of 2004

and

A.No.6646 of 2017

1. C. Satyanarayanan (Deceased)
2. Shyamalavalli

...Plaintiffs

Vs

1. P. Saraswathi Ammal
 2. Santhana Lakshmi (Deceased)
 3. J. Sriram
 4. Padmavathy
 5. Devatha
 6. Kumar
- (Defendants 3 to 6 brought on record as legal representatives of deceased 2nd defendant as per order dated 23.07.2012 in A.No.2063 of 2012 in T.O.S.No.1 of 2004. Chennai- 600008.

... Defendants

Prayer : TOS is filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925, for the grant of Letters of Administration.

For Plaintiffs : Mr. R. Thiagarajan
for P3 to P6

For Defendants : Mr. P.J. Rishikesh for D1
Mr. C. Jagadish for D3 to D6

**ORDER**

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The plaintiffs in T.O.S.No.1 of 2004 have now a filed probate proceedings in respect of a subsequent Will dated 22.10.1982 in O.P.D.No.63667 of 2020, filed on 23.09.2020. They have also taken out an application in A.No.7191 of 2019 in the connected suit in C.S.No.252 of 1996, for raising an additional written statement regarding the above, wherein they have made claim on the basis of the later Will.

2. Considering the fact that the subsequent Will has now been put forward by the plaintiff in T.O.S.No.1 of 2004, nothing survives for consideration in the Testamentary Suit. Therefore, TOS No. 1 of 2004 is dismissed. Consequently, A.No.6646 of 2017 is closed.

Sd./-P.T.A.J.
11.02.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.