



A.No.886 of 2023
in O.P.No.109 of 2017

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N.SATHISH KUMAR, J.

This application has been filed seeking to revoke or annul the Letter of Administration granted by this Court in the above Original Petition vide Order dated 01.08.2018.

2. The respondents 1 & 2 / petitioners, originally, had filed the above Original Petition seeking Letters of Administration in respect of the will left by Dr.A.Senthamil Selvi, who is their sister. According to the respondents 1 & 2, Dr.A.Senthamil Selvi, executed a registered will in Doc.No.61/2010 dated 25.08.2010 bequeathing the scheduled properties in favour of the petitioners. Therefore, the respondents 1 & 2 filed the above Original Petition as against their brother/third respondent herein. Based on the evidences, this Court passed the Order granting the Letters of Administration dated 01.08.2018. Now, the same is sought to be revoked by the applicants, who is stated to be the legal heirs of one Mrs.A.Suthanthiram, who is the sister of late Dr.A.Senthamil Selvi/testatrix and the petitioners in the above Original Petition.



3. Though various grounds raised in this application and affidavit has been filed to the effect that the Letters of Administration was obtained by concealing material facts. Despite the fact that the applicants herein were residing in the same floor, they have been kept in dark and the will has not been informed and also they have not been made as a party in the proceedings before the Court. Hence, it is the contention that the very Letters of Administration have been obtained by suppressing the testatrix's legal heirs. Therefore, seeks to recall the same.

4. It is the contention of the respondents that the will is a registered will and the same has been proved, since, the sister namely late Mrs.A.Suthanthiram, the mother of the applicants, already predeceased, the applicants were not made as a party. Hence, it is the contention that there is no just cause for revoking the Letters of Administration granted by this Court.

5. Heard both sides and I have perused the materials placed on record. No doubt, the will is a registered one. The will is propounded by the party before the Court. Either for probate and Letters of Administration all the relatives and the family members of the deceased ought to have been made

as a party as per Section 287 of the Indian Succession Act. When the legal



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heirs have been suppressed and only few of the members have been shown as respondents, this Court is of the view that there is a just cause for revocation of the Letters of Administration. The proof of the will is a distinct act. Even assuming that the legal heirs have been disinherited, that will not be any ground to non-suit the party in the suit. Since, the very succession itself is deviated by testamentary disposition, the legal heirs have to be made as party, it is fundamental. Only if the opportunity has been given, the parties can able to show before this Court whether the will is genuine or shrouded by suspicious circumstances. Such view of the matter, such opportunity without being granted to legal heirs, any probate on the basis of the said will has to be revoked on the ground of just cause.

6. Accordingly, the Order granting Letters of Administration dated 01.08.2018 is revoked and considering the fact that the will has been questioned now, the Original Petition has to be treated as T.O.S.

7. Post this matter on 08.12.2023. The Registry is directed to convert the Original Petition to Testamentary Original Suit and issue Form 70. The Registry is also directed to carry out the necessary amendments including the applicants in this applications as the respondents in the Original Petition.



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8. The petitioner shall file amended copy by then. The respondents shall also file counter or written statement.

09.11.2023

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