



A.No.1827 of 2024 in O.P.No.505 of 2006

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in
O.P.No.505 of 2006

Dr.G.JAYACHANDRAN, J.

This application has been filed to restore the application for revoking the Letters of Administration, which was dismissed for default on 24.02.2021 made in A.No.504 of 2020 in O.P.No.505 of 2006.

2. This Court, vide order dated 18.07.2007 in O.P.No.505 of 2006, granted Letters of Administration to one J.Sasikala. In the said Original Petition, (i) M.Sivam, S/o Mari and (2) M.Thavamani, D/o Mari, were the respondents. The Letters of Administration was in respect of an unregistered Will of one Muniammal executed on 20.05.1993. In the said proceedings, though the respondents have entered appearance through counsel by filing their vakalath on 14.09.2006, they did not file any caveat or even an objection nor avail opportunity to cross examine the witnesses. Hence, this Court did not satisfy with the evidence which proves due execution of the Will and granted Letters of Administration with a condition that the petitioner Sasikala, W/o Jeevarathinam, on her executing a security bond for a sum of Rs.25,000/- in favour of the



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Assistant Registrar (O.S.II) High Court, Madras and shall also file periodical accounts once in a year into Court. The petitioner had complied the above conditions.

3.While so, the first respondent Thavamani had filed an application in A.No.504 of 2020 to revoke the Letters of Administration in favour of the petitioner granted vide order dated 18.07.2007 in O.P.No.505 of 2006 and an application in A.No.503 of 2020 filed to condone the delay of 4407 days in filing the application to set aside the order dated 18.07.2007 made in O.P.No.505 of 2006. When both the applications came up for consideration, there was no representation for the applicant. Hence, both the applications were dismissed for default on 24.02.2021.

4. Application filed to restore the application for revoke the Letters of Administration which was dismissed for default on 24.02.2021. There was 504 days delay in filing the restoration application.

5.The learned counsel appearing for the applicant submitted that pursuant to grant Letters of Administration, Thavamani was administered



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the property and rendered the account. The applicant Thavamani died pending application filed in connection with the application to revoke the Letters of Administration and hence, her daughter Sridevi Srinivasan has impleaded into the issue of Thavamani and pursuing the matter. The dispute is in respect the property which is the subject matter of the suit already pending before XVI Civil Court Court, in O.S.No.6758 of 2005. The property was bequeathed to Sasikala *pendente lite*. Hence, the deceased first petitioner Thavamani had full knowledge about the grant of Letters of Administration, but had not pursued the matter, when they were first put to notice but they did not appear to contest the matter and hence, both the applications were dismissed for default.

6. The journey of the litigation been explained in the counter as below:-

“3.I further submit that A.No.1827 of 2024 in A.No.504 of 2020 in O.P.No.505 of 2006 is filed to condone the delay of 504 days in filing the petition to restore in A.No.7929 of 2019, to set aside the order dated 18.07.2007 passed in O.P.No.505 of 2006.



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3.1 A.No.503 of 2020 was filed to condone the delay of 4407 days in filing application to set aside the order dated 18.07.2007 in O.P.No.505 of 2006.

3.1 In fact A.No.7929 of 2019 was filed to set aside the order dated 18.07.2007 passed in O.P.No.505 of 2006.

3.2 A.No.4249 of 2002, A.No.4250 of 2022, A.No.4351 of 2022 to restore A.No.7929 of 2019, A.No.503 of 2020 and A.No.504 of 2020 was filed to condone the delay of 504 days in filing the petition to restore in A.No.503 of 2020 in O.P.No.505 of 2006 was allowed on the mention of Covid 19.”

7. The learned counsel appearing for the applicant submitted that the Letters of Administration issued in favour of Sasikala was an uncontested Order. Knowing about this, the application was filed for revocation. However, due to intervention of Covid pandemic, the applicant was not able to follow the matter. Hence, the same got dismissed. He submitted that the applications (i) to condone the delay of 504 days in filing the application to restore the application for revoke the Letters of Administration and (ii) to restore the application to condone



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the delay of 4407 days in filing the application to revoke Letters of Administration was allowed. Therefore, consequent application for restoration of the application for revocation of Letters of Administration in A.No.1827 of 2024 to be allowed.

8. This Court is unable to countenance the reasoning given by the counsel for not pursuing the matter and literally, he after 17 years wants to revoke the Letters of Administration granted by this Court on 18.07.2007. Even though the Court has condoned the delay in filing the application to set aside the dismissal of the restoration application, the other two applications, which are filed to condone the delay of 4407 days in filing the application to set aside the order dated 18.07.2007 and to revoke the Letters of Administration in favour of the petitioner granted by order dated 18.07.2007 does not stand scrutiny of law. To give quietus to the vexatious litigation, it is appropriate to dismiss the application outright.

9. If at all the applicant and others if any right over the property, it is a matter under dispute in O.S.No.6758 of 2005. They have no right to



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challenge the Will executed by Muniammal which has been duly proved by examining the attesting witnesses. Hence, this application is dismissed. No costs.

25.11.2024

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