



WEB COPY

TOS No. 20 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

TOS No. 20 of 2023

1. G.Elumalai

S/o.V.Govinda Achari, No.47/24,
Periyanna Mudali Street, Seven Wells,
Chennai - 600 001.

Plaitiff

Vs

1. Vijayakumari Raman

W/o.M.Raman, Old No.20, New No.21,
Othavadai 2nd Street,
(Upparapalayam), Palanipet,
Arakkonam - 631 002.

Defendant

PRAYER

That the Petitioner may be allowed to prove the Will dated 10.09.1976 of the said deceased V.Govinda Achari in common form and that probate thereof, to have effect limited to the State of Tamil Nadu Gross Amount Rs.46,11,000/- and Net Amount Rs.46,11,000/- (OP.539 of 2022 converted into TOS.20 of 2023) TOS C/F of Rs.69,165/- paid on 22.06.2023 by e-C/F D.No.17822/2023.

For Plaintiff:

J.Amritha Sarayoo for M/s.TVJ
Associates



For Defendant: Mr S.Gowri Shankar for
M/s.G.Jeremiah

JUDGEMENT

This original petition, which has been filed by the plaintiff for seeking a letter of administration, has got converted into a Testamantory Original Suit in view of the caveat filed by the defendants 1 and 2.

2. The plaintiffs and the defendants are the children of the deceased V. Govinda Achari, who is the testator of the Will dated 10.09.1976. The father of the parties died on 11.02.1977. The petitioner, the 2nd defendant and one Palani were the sons of the deceased and the 1st respondent is his daughter. Among the sons, one of the sons by name Palani died without marriage on 17.11.1982, without leaving any legal heirs.

3. The will dated 10.09.1976 is a registered one. By virtue of the said Will the testator bequeathed his property in favour of his two sons, i.e., the plaintiff and the 2nd defendant by appointing the mother of the parties and the plaintiff as the executor of the Will. The mother also died in the year 2006. The 2nd defendant is living along with the plaintiff. Even though the 1st respondent had objected for issuing the Letter of Administration in favour of the plaintiff at the first instance, while she was examined as a witness before the Master's Court, she had filed her proof affidavit saying that she is fully aware of the Will dated 10.09.1976 and it has been executed by her deceased father V.Govinda Achari. She has further stated that she does not have any objection and give consent for



the grant of probate of the Will dated 10.09.1976 as prayed by the plaintiff. She had further submitted that her father was in a sound and disposing state of mind at the time when the Will was executed.

4. The consent affidavit of the defendant has been marked as Ex.P1 and the Will has been marked as Ex.P2. The death certificate of the deceased son, Palani, is marked as Ex.P4 and the death certificate of the mother has been marked as Ex.P5. The attesor's daughter has been examined as PW.2. She has also identified her father's signature as the attesor in the Will, Ex. P2. The Will has not only been proved, but the contesting party, who is the 1st defendant has also stated her no objection in a proof affidavit filed before the master for issuing the letters of administration in favour of the plaintiff by admitting the genuineness of the Will. Thus, the issues are answered in favour of the plaintiff and the suit is decreed as prayed.

In the result, this Testamentary Original Suit is **decreed**. The Registry is directed to issue Probate in favour of the plaintiff in respect of the last Will and Testament dated 10.09.1976 of the deceased V. Govinda Achari, in common form, such probate to have effect limited to the State of Tamil Nadu.

28-10-2025

jrs

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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