



A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

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THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. No. 6107 of 2024
and C.S. No. 581 of 2010
and A.Nos. 4092 of 2021 & 4119 of 2010
and O.P. No.SR76001 of 2021

S.Kasthuri (deceased)
1.S.Rukmani Ammal
2.S.Sukumar
3.S.Sanjeevi
4.S.Sriram
5.S.Sankar Reddiyar
6.S.Dhandapani
7.S.Sambasivam
8.S.Muthuraman

... Applicants

Vs.

1.C.Baburaj
2.B.Uma Maheswari
3.N.Subramany

...Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Rule 74(5) and 81 of the Civil Rules of Practice and Circular Orders read with Section 151 of Code of Civil Procedure, praying to re-transfer the called for records in I.A. No. 800 of 2015 and I.A. No. 801 of 2015 from the file of District Court,



A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

WEB COPY

Chengalpattu (on transfer stood numbered as Application No. 4091 of 2021 and Application No. 4092 of 2021) since this Court passed orders of stay of further progress in C.S. No. 581 of 2010 as made in Application Nos. 4741, 4742 & 5373 of 2010 and 4787 of 2016 on 23.06.2023 thereby enabling the 1st respondent /plaintiff to seek his remedy for revoking the grant of Letters of Administration as such made in O.P. No. 90 of 2008 on 22.12.2008 on the file of the Principal District Judge, Chengalpattu for which the Applications in I.A. No. 800 of 2015 and I.A. No. 801 of 2015 are filed by the 1st respondent /plaintiff.

For applicants : Mr.Sarath Chandran for Mr.S.Vinod

For Respondents : Mr.Sivavarthanan (R1)

This application has been filed to re-transfer the called for records in I.A. No. 800 of 2015 and I.A. No. 801 of 2015 from the file of District Court, Chengalpattu (on transfer stood numbered as Application No. 4091 of 2021 and Application No. 4092 of 2021) since this Court passed orders of stay of further progress in C.S. No. 581 of 2010 as made in Application Nos. 4741, 4742 and 5373 of 2010 and 4787 of 2016 on 23.06.2023 thereby enabling the 1st respondent /plaintiff to seek his remedy for revoking the grant of Letters of Administration as such made



A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

WEB COPY

in O.P. No. 90 of 2008 on 22.12.2008 on the file of the Principal District Judge, Chengalpattu for which the Applications in I.A. No. 800 of 2015 and I.A. No. 801 of 2015 are filed by the 1st respondent /plaintiff.

2. The learned counsel for the applicants /defendants 1 to 9 are the persons, who have earlier taken the application in A. No. 1106 of 2016 and obtained an order dated 22.07.2021 to withdraw all those pending applications before the Principal District Judge, Chengalpattu to hear them along with the partition suit pending before this Court in C.S. No. 581 of 2010.

3. In pursuant to the said order, the records involving the above applications have been withdrawn from the file of Principal District Judge, Chengalpattu and transferred them to this Court to be heard along with C.S. No. 581 of 2010.

4. Now once again, the very same applicants have filed the applications saying that the Court which has granted the Probate alone



A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

WEB COPY

has the jurisdiction to revoke the same and hence, it is not legally correct to hear the applications filed to revoke the Probate on the file of the Principal District Judge, Chengalpattu in this Court.

5. In support of his contention, he placed reliance on the judgment of the Calcutta High Court in *O.V.Forbes -vs- V.G.Peterson* reported in *1940 SCC OnLine Cal 11*.

6. The learned counsel for the respondents submitted that even though it was within the knowledge of the applicants that the Court which has granted the Probate alone has the jurisdiction to revoke the same, the very same applicants, who have filed the very same applications, had withdrawn all the proceedings before the Principal District Judge, Chengalpattu and transferred it to this Court and caused inconvenience to this Court.

7. He further submitted that having filed an application earlier



A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

WEB COPY

insisting the matter of convenience and made the respondents also to agree for such a transfer, now the applicants have filed another application to re-transfer the applications once again to the file of Principal District Judge, Chengalpattu is not fair and proper.

8. He further submitted that this Court has considered the convenience of the parties as well as the issues raised in both the applications and the suit and found it fit to transfer those proceedings before the Principal District Judge, Chengalpattu to this Court.

9. On perusal of the records, it is clear that the defendants 2 and 6 to 9 filed application on the earlier instance also in Application No. 1106 of 2016 to withdraw the applications filed before the Principal District Judge, Chengalpattu for revoking the Probate already granted. No doubt, yet another exercise taken towards transferring the very same application to the file of the Principal District Court, Chengalpattu will cause inconvenience to the respondents, but the fact remains that the law has to be upheld that when the Court has given the Probate, it has to revoke it.



A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

WEB COPY

The applicants who are raising this legal issue now could have raised it at the very first instance or even the respondents who have filed their counter in the earlier application could have insisted the same in their Counter. At that time, both the parties were interested only about their convenience and the transfer proceedings to this Court on that basis.

10. Now, the applicants are requesting to re-transfer the proceedings considering the position of law. No doubt, these applications have to be once again transferred to the Principal District Judge, Chengalpattu. As the proceedings in C.S. No. 581 of 2010 has already been stayed till the disposal of the application filed to revoke the Probate already granted, the interest of the respondents can be saved only by giving directions to the Transferree Court to take up the issue with regard to entitlement of the applicant to revoke the probate at the earliest instance and dispose it as soon as possible.

11. With these observations and discussions, the application to



A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

WEB COPY

re-transfer is allowed and Application No. 4091 of 2021 and Application No. 4092 of 2021 on the file of this Court (before transfer stood numbered as I.A. No. 800 of 2015 and I.A. No. 801 of 2015) are ordered to be transferred back to file of the District Court, Chengalpattu (on transfer stood numbered as) forthwith with a direction to the District Court, Chengalpattu to re-assign the number and take it for hearing and dispose it within a period of four weeks from the date of receipt of a copy of this order. No costs.

09.10.2025

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A. No. 6107 of 2024
and C.S. No. 581 of 2010 etc.,

Dr. R.N.MANJULA, J.

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A. No. 6107 of 2024
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