



C.R.P.No.4363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.4363 of 2024

and

C.M.P.Nos.24308 & 28575 of 2024

A.W.S.Jayachitra

... Petitioner

Vs.

V.Williams (died)

1.Dr.Jerome

2.J.Gnanadurairaj

3.A.Raja

4.V.Moorthy

5.Paddu @ S.Padmanaban

6.The Inspector General of Registration,
No.100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram,
Chennai – 600 028.

... Respondents

*[6th respondent suo motu impleaded vide Court order
dated 15.04.2025 made in C.R.P.No.4363 of 2024 and
CMP No.24308 of 2024 and CMP No.28575 of 2024]*

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the observations/recordings/declarations on A.W.Samuel's title over the properties in Page Nos.13, 14, 16, 17 & 18 of



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the impugned order dated 03.02.2018 passed by the District Judge at Namakkal in A.O.P.No.33 of 2010 as invalid and non-est in the eye of law.

For Petitioner : Mrs.Chitra Sampath
Senior Counsel
for M/s.Inthu Karunakaran

For R1 and R4 : Mr.G.Pavendhan

For R2 and R3 : No appearance

For R5 : Mr.P.Subramanian

For Petitioners : Mr.C.M.Ehoma Saviour
in CMP No.28575 of 2024 for Mr.M.Francis Xaviel

ORDER

This Civil Revision Petition has been filed against the observations/recordings/declarations made by the District Judge, Namakkal, in the order, dated 03.02.2018, made in A.O.P.No.33 of 2010, as regards one A.W.Samuel's title over the subject properties, while rejecting the application under Section 278 of the Indian Succession Act, 1925, based on the Will of the said A.W.Samuel.



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2.Originally, one I.V.Williams filed an Original Petition under Section 278 of the Indian Succession Act, 1925, to grant letters of administration to the estate of the deceased A.W.Samuel as regards the subject properties. It is his case before the trial Court that one Miss Erica Mariya Agnes Wallen came to India from Swedan in the year 1942 and she was the founder of Philadelphia Full Gospel Mission at Rasipuram. She died on 23.10.1964. One A.W.Samuel assisted Miss Erica Mariya Agnes Wallen, with the help of 7 members Committee, and took charge of Philadelphia Full Gospel Mission. It was further stated that, after taking charge, several properties were purchased in the name of the Church and also in the name of A.W.Samuel. The said A.W.Samuel died as a bachelor on 29.03.1993. It is his further case that, before death, A.W.Samuel executed a Will dated 20.03.1993 bequeathing all the properties held and owned by him in favour of I.V.Williams. On the strength of the Will, the said I.V.Williams filed the above application seeking letters of administration to the estate of A.W.Samuel. Pending the application, I.V.Williams died and the respondents 1 to 4 herein were impleaded as legal representatives of I.V.Williams claiming letters of administration on behalf



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of I.V.Williams, on the basis of the Will said to have been executed by I.V.Williams, dated 16.02.2011.

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3.The said application was opposed by the revision petitioner/1st respondent in the Original Petition, on the ground that she is the adoptive daughter of A.W.Samuel and therefore, she is entitled to succeed to the estate of A.W.Samuel. She has also filed civil suits claiming her right over the properties and the same are pending. It is her contention that the alleged Will of A.W.Samuel is forged and fabricated.

4.The trial Court had rejected the application by invoking Order VII Rule 11 CPC, holding that the subject properties appear to be trust properties and Church properties and it does not belong to any individual, and therefore, Letters of Administration cannot be granted neither to I.V.Williams, the original petitioner, nor to his legal representatives.

5.Aggrieved by the observations/declaration of the trial Court holding that the properties are trust properties and Church properties, the 1st respondent in the Original Petition has filed the present revision.



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6.Learned counsel for the respondents would submit that the revision petitioner, claiming to be adopted daughter of A.W.Samuel, is trying to lay a claim over the trust properties in respect of which several suits are also pending. The learned Senior Counsel appearing for the petitioner would submit that she is not challenging the very rejection of the application, but taking advantage of the observations of the trial Court in the said order as regards title, the respondents are taking undue advantage over the properties.

7.Be that as it may, this Court is of the view that a revision challenging mere observations of the Court below, will not be maintainable. From the very contentions raised by both sides, it is clear that there are several civil suits pending between the parties in respect of the properties said to have been left by A.W.Samuel. According to the respondents, those are trust properties, whereas, it is the case of the revision petitioner that those are properties of A.W.Samuel and therefore, she is entitled to the properties as adoptive daughter of A.W.Samuel. In any event, as contentious issues are to be decided only in a civil suit, it is open to the



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parties to agitate their respective case before the Civil Court in the pending civil suits.

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8.In such view of the matter, this Court makes it clear that any observations made by the trial Court, while rejecting the application, merely on the basis of the objections, without any evidence and trial, may not be binding on the parties. The right of the parties will be decided only by the Civil Court in the pending civil suits.

9.With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.06.2025

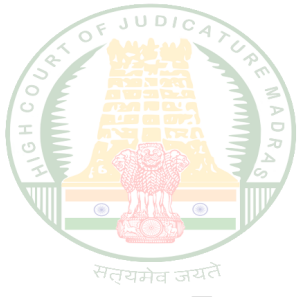
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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No



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To

- 1.The Principal District Judge,
Namakkal.
- 2.The Section Officer,
VR Section,
High Court, Madras.



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N. SATHISH KUMAR, J.

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