



IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	<i>25.10.2025</i>
<i>Pronounced on</i>	<i>14.11.2025</i>

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

TOS No. 25 of 2018

1. Smt.Nalini Parthasarathy

In the matter of WILL OF K.S.PADMINI (Deceased)

W/o.Mr.V.Parthasarathy 1A, Srinivas, 30/31,

Maharajah Surya Rao Road,

Alwarpet, Chennai-600 018.

2. Smt.Rajini Vijay

W/o.S.Vijay 2A, Srinivas, 30/31,

Maharajah Surya Rao Road,

Alwarpet, chennai-600 018.

... Plaintiffs

Vs.

Vijay Rangarajan

F/402, Nisarg, Mahaveer Nagar,

Kandivili (West),

Greater, Mumbai-400069.

Prayer: Plaint is filed under Sections 232 and 276 of Indian Succession Act 1925



r/w. Order XXV Rule 5 of O.S.Rules, seeking Letters of Administration with the Will annexed, to the plaintiffs as sisters / beneficiaries under the Will of the deceased to have effect throughout the State of Tamil Nadu.

For Plaintiff(s): M/s.V.Balasubramanian

For Defendant(s): Ms.R.V.Gayathri
for M/s.P.B.Ramanujam

JUDGMENT

This Testamentary Original Suit has been filed seeking Letters of Administration with the Will annexed may be granted to the plaintiffs as sisters / beneficiaries under the Will of the deceased to have effect throughout the State of Tamil Nadu.

2. The plaintiff has filed an Original Petition in O.P.No.714 of 2017 claiming Letters of Administration in respect of the Will dated 04.01.2003. Since the defendant had filed a caveat and objected the same, the Original Petition has been converted into Testamentary Original Suit.



3. The facts pleaded in the plaint filed by the plaintiffs in brief:

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The testatrix by name K.S.Padmini was a permanent resident of Chennai. She had properties within Tamil Nadu. However, she died at Gurgaon, where she was residing temporarily during her last days. The Will dated 04.01.2003 was the last Will executed by the deceased K.S.Padmini at Chennai in the presence of the witnesses. There is no executor appointed by the testatrix. The parents of the testatrix had pre-deceased her long ago. The testatrix died leaving behind the plaintiffs who are her sisters and the defendant who is her husband. She had no child born out of the marriage with the defendant. In the Will dated 04.01.2003, the testatrix had bequeathed the whole of the suit property in favour of the plaintiffs with whom she was living.

4. The averments made in written statement of the defendant in brief:

The signature on the said Will appears to be the signature of the deceased wife of the defendant. However, in all probabilities and likelihood, the signature in a blank paper has been used to create the alleged Will. The marriage between the deceased and the defendant has been solemnised on 15.02.2002 only. So, there was absolutely no necessity for the wife of the defendant to execute such a Will, that too, within one year from the date of her marriage. The Will does not



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even disclose that the deceased was married at the time when the Will was executed. No reason has been set out for the necessity of the Will at such a young age of 34 years. No reason has been stated for the alleged Will for blanket disposition in favour of her sisters who have already got married and settled well. The witnesses of the Will were none other than the father of the testatrix and husband of one of the beneficiaries, the second plaintiff herein. Even the description of the property is also not mentioned in the Will. There is also no mention about the scribe of the Will. Incidentally, all the three sisters have similar handwriting and style of writing. Nowhere in the Will, it is stated that it is a holograph Will. The testatrix lived with the defendant for nearly 14 years after her marriage and there is no reason to exclude him from inheritance. The deceased K.S.Padmini had health setback only in the year 2011 when she was diagnosed with cancer and it was the defendant who took care of the deceased at that time at Pune. Due to the treatment requirement, she was shifted to Chennai in the year 2014 as it was felt that the testatrix would get better support in Chennai. The Will is not a genuine one. Hence, the suit should be dismissed.

5. The facts pleaded in the rejoinder submitted by the plaintiffs are as



follows:

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The suspicion raised by the defendant about the Will is unwarranted. In fact, one of the attestors is a retired I.A & A.S Officer of the CAG with an impeccable records of service. The genesis for the Will arose after her marriage to the defendant in the year 2002. The Will was executed by the testatrix to protect the interest of her aged father in view of the aggressive demands made by the defendant demanding dowry and properties. The testatrix refused to yield to such demands and she started to believe that her husband and his family were only after her father's wealth. Hence, she was constrained to write out a Will bequeathing all her properties and assets to her two sisters. So that, the same remains within her family. That is the reason why the Will has been executed by her when she was very young and immediately after her marriage. She intended that her family properties should remain in her family as they are ancestral and self-earned.

5.1. In the very first line of the Will itself, the description of the testatrix has been made in such a way that she was a married women. She was going through a painful period after her marriage because of the greedy behaviour of her husband. Though the properties were in the father's name, she realised that



she will be a rightful heir to 1/3rd share out of her father's property. So only the

Will indicates her share of properties inherited by her. This is only to prevent the defendant from claiming any right over the same. The plaintiffs' father had entered into a joint development of his old bungalow into apartments in the year 2005 and made a settlement deed only on 09.09.2009 in favour of each of his daughters. The details of the property owned by K.S.Padmini has been given in annexure A of the plaint. The words being of sound mind and memory hereby record "my will, written in my own hand" would show that it is a holography Will. The defendant did not have the fiduciary trust of the testatrix. It is clear from the fact that her Income Tax Returns were filed and taken care of by her father only, even after her marriage. After her father's death, she entrusted it to her brother-in-law S.Vijay. The defendant did not make any investment in the name of his deceased wife. When the testatrix was hospitalized for chemotherapy cycles, surgery etc., one of her sisters was urged to come to Pune to support her, despite the defendant treated them badly. So, K.S.Padmini decided to shift her treatment to Chennai during May 2014. Thereafter, she was in the care of her father and elder sister's family. The testatrix had passed away during September 2016 at her sister Rajini's Home at Gurgaon. There is no suspicious circumstances surrounding the Will and hence, the Testamentary Original Suit



should be allowed.

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6. On the basis of the above pleadings, this Court has framed the following issues :

"i. Whether the Will dated 04.01.2003 was executed by late K.S.Padmini out of her own will and volition without being influenced by any other extraneous consideration ?

ii. Whether the Will dated 04.01.2003 is said to have been executed by K.S.Padmini under suspicious circumstances for the reason that it was said to have been executed on 04.01.2003 in favour of her sisters when the marriage between the deceased K.S.Padmini and the defendant had been solemnised on 15.02.2002 and there was absolutely no necessity for the wife of the defendant to execute the Will in favour of her sisters ?

iii. Whether the relationship of late K.S.Padmini and the defendant Vijay Rangarajan was strained relationship during the life time of the deceased K.S.Padmini ?

iv. Whether the plaintiff is entitled for the grant of letters of administration with Will annexed as prayed for in the plaint ?

v. To what other relief, the plaintiffs are entitled to ? "



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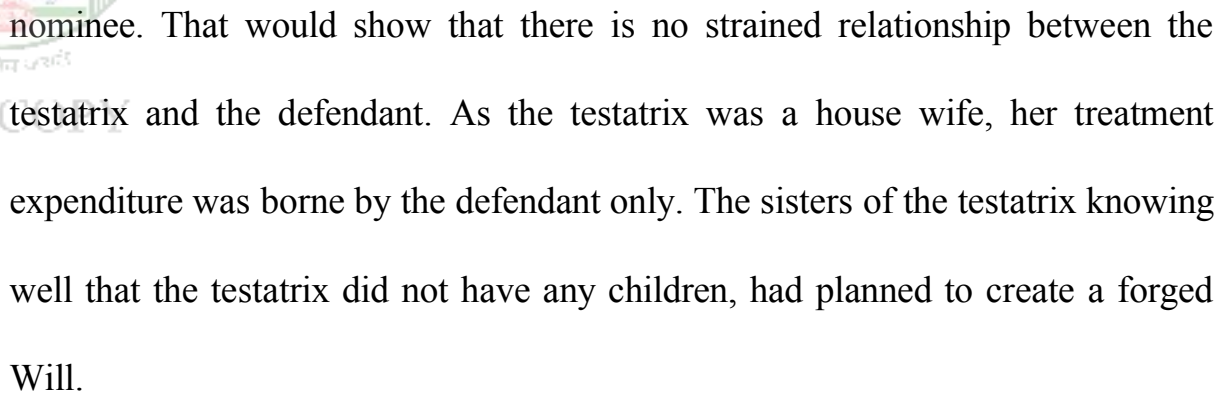
7. Mr.V.Balasubramanian, the learned counsel for the plaintiffs, submitted that the testatrix had preferred her father and her brother-in-law to be the attestors of the Will, because she did not want others to know about the Will. The Will would show that she did not suppress her marriage with the defendant. The second attesting witness S.Vijay has been examined as P.W.2. He has stated that the Will has been signed by the testatrix in the presence of the attestors and the attestors also stated that they did not know the contents of the Will. He came there at her call and saw her signing the Will in the presence of him and his father-in-law. All the properties belonged to the testatrix and the properties were not acquired by her through her husband. There was a strained relationship between the testatrix and the defendant and even her marriage has not been consummated. Even when the plaintiffs went in support of the testatrix during her treatment, the defendant did not treat them well. So, the testatrix had a reason not to divulge about her will to any one until her death. The cross examination of P.W.2 would confirm about his attestation of the Will. The defendant does not dispute the signature of the testatrix in the Will. It is not possible for the testatrix and sisters to have similar handwriting as stated by the defendant. The defendant did not produce any document to prove that he was taking care of the testatrix



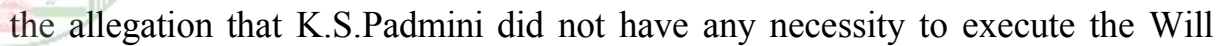
during her treatment.

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8. Ms.R.V.Gayathri, the learned counsel for the defendant, submitted that the Will does not make any reference about her husband and marital nature except mentioning as Padmini Vijay. There is no mention in the Will as to why she opted to bequeath all the properties to the sisters to the exclusion of her husband. It is unnatural for the attesting witnesses who had stated that they did not know about the contents of the Will, because the Will is in a single page and the contents is also very short. The one of the attesting witness S.Vijay has stated that he did not inform about the Will to his wife's sister Nalini, the first plaintiff herein, because the father of the testatrix had asked to keep it with himself. That would only show that the father of the testatrix would know the content of the Will and cautioned P.W.2. The testatrix had preferred to come down to Chennai only in view of the treatment and not because of the alleged bitter relationship with her husband. In the year 2003, the testatrix was living along with her husband in Pune and there was no necessity for her to mention her permanent address at Chennai. P.W.1 has stated in her evidence that in Reliance Mutual Fund statement, the husband of the testatrix has been shown as a nominee and in the postal savings accounts also, the testatrix has mentioned her husband as a



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10. The marriage relation between the testatrix and the defendant did not go smooth and they had a strong relationship and hence it is claimed that the testatrix could have thought it fit to settle her interest in the properties by way of executing the Will and thereby bequeathing the properties in favour of her sisters. K.S.Padmini did not have any child born out of her marriage. The first plaintiff was examined as P.W.1. When she was questioned whether any steps have been taken in pursuant to the strained relationship between the testatrix and her husband, P.W.1 replied that she did not interfere in her life because K.S.Padmini



was managing on her own. Only in the year 2014 K.S.Padmini shifted herself to

Chennai to continue her treatment at Chennai by being with her father and other sister. When a specific question was put to P.W.1 whether Pune was the matrimonial home of K.S.Padmini, she answered that K.S.Padmini and her husband were working at Bombay and K.S.Padmini used to visit her in-laws in Pune. From the above evidence of P.W.1, it is clear that K.S.Padmini was living with her husband only till the year 2014 and since her in-laws were in Pune, she decided to take treatment at Pune. Had the relationship between K.S.Padmini and her husband was so strained, it may not be possible for K.S.Padmini to be cordial with her in-laws in Pune and continue to live with him.

11. Even if it is presumed for the sake of argument that the relationship between K.S.Padmini and her husband was not going well, the fact remains that K.S.Padmini had chosen to live with her husband until the year 2014. During the argument of the learned counsel for the plaintiff it is submitted that the marriage between K.S.Padmini and her husband was not consummated. As K.S.Padmini had been living with her husband for more than a decade it is difficult to believe that her marriage with her husband was not consummated. As K.S.Padmini continued to live with the defendant, it cannot be concluded concretely that



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K.S.Padmini had a strained relationship with her husband Vijay Rangarajan during her life time. Thus, **Issue No.3 is answered accordingly.**

12. Even though the defendant had raised doubts about the sound and free disposing state of mind on the part of K.S.Padmini for executing the Will, he had admitted in his evidence that the signature in Ex.A1 - Will, appears that of K.S.Padmini only. However, he claimed that when K.S.Padmini was staying with her father, she might have signed in certain blank papers and blank cheques for some other purpose and that has been made use of the plaintiffs to construct a Will by themselves without the active involvement and free will of K.S.Padmini.

13. Some of the suspicious circumstances raised by the defendant with regard to the above point are listed under:

(i) The Will has been executed in the year 2003 itself immediately after their marriage.

(ii) In the recitals of the Will, even the marital status of K.S.Padmini is not mentioned.

(iii) The Will is an unregistered one and the recitals are vague and incomplete without making any specific reference about the details of the



property.

iv) At the young age of 34, there is no necessity for K.S.Padmini to execute a Will.

(v) At that early point of marriage itself K.S.Padmini could not have presumed that she could not have any child of her own or she will be affected by cancer.

(vi) Without any reason, the husband, who is the direct legal heir of Padmini, was disinherited.

(vii) The attesting witnesses are the father and brother-in-law of the deceased K.S.Padmini. The said brother-in-law is husband of one of the beneficiaries.

14. The learned counsel for the plaintiffs submitted that the testatrix made the Will for safety purposes as she wanted to save her father who was being harassed by the defendant immediately after her marriage. As stated already, there is no evidence produced on the side of the plaintiffs to prove that there was a strained relationship between the deceased K.S.Padmini and the defendant.

K.S.Padmini has been living with her husband only till the year 2014 and it is not the contention of the plaintiffs that K.S.Padmini was separated from her



husband immediately after her marriage and continued to live at her father's place. The recitals of the Will also does not state any specific reason about the apprehension in the minds of the executant to execute the Will immediately after her marriage.

15. It is true that K.S.Padmini did not have any child of her own and she could not have imagined that she could never have a child in her life time and that she would die soon due to cancer. P.W.1 herself has given a categorical answer that after her marriage K.S.Padmini was living with her husband at Bombay. In the above circumstances, absolutely no convincing reasons can be presumed for executing the Will in the year 2003 itself.

16. The recitals of the Will also does not state anything as to why the testatrix had intended to execute the Will at that early stage of her life and that too immediately after one year from the date of her marriage. The body of the Will does not state anything about the husband, the defendant herein. Even if the relationship between herself and her husband was not smooth, it would have been natural on her part to exclude him from inheritance by stating any specific



reasons in the Will. A patent omission in the Will about any mention of her marriage or her husband also creates suspicious circumstance and hence the plaintiffs have to allay those suspicious circumstances by adducing appropriate evidence. So, the available evidence does not disclose any reasons for K.S.Padmini to exclude her husband from inheriting the properties belonged to her.

17. Question No.49 of the cross-examination of P.W.1 would show that K.S.Padmini is said to be a house wife. However, in Question No.26 the answer has been given by the same witness (P.W.1) that K.S.Padmini and her husband were working at Bombay and K.S.Padmini used to visit her in-laws in Pune. So, the evidence of P.W.1 appears to be self-contradictory and unreliable in respect of the occupational status of the testatrix and also the relationship status with the first respondent. In fact, K.S.Padmini has shown her husband as nominee in her Post Office account. So, the non-mentioning of her husband in the Will executed in Ex.A1 creates strong doubts.

18. It is submitted by the learned counsel for the plaintiffs that K.S.Padmini has described herself as "K.S.Padmini alias Padmini Vijay", it



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would show her marital status and hence the Will is not shrouded with any doubtful circumstances. Even when there is nothing stated in the Will about the reason for disinheriting the husband of K.S.Padmini, the recitals of the Will does not specify any details of the property which K.S.Padmini intended to bequeath to her sisters. So, the very generalized and vague manner in which the Will was written, creates a doubt about the genuineness of the Will.

19. In the Will there is not even a recital as to her free state of mind and execution of the Will without anyone's influence. In case, the father of K.S.Padmini did not want his daughters to have any hold over the family properties of their marriage, the daughters, including K.S.Padmini, would have only executed a kind of settlement of lease deed in favour of their father. But that is not the case with K.S.Padmini. In fact, her father had executed settlement deeds in favour of his daughters after marriage. Even if the Will does not have any other reasons, at least, it should have a reason as to why K.S.Padmini had chosen to execute the Will at that early point of marriage by excluding her husband from inheriting any right or interest over the properties.



20. Mr.K.S.Sarangapani who is the father of the plaintiffs and K.S.Padmini, had executed a settlement deed on 09.09.2009 in favour of K.S.Padmini by making her as an absolute owner in respect of a flat. The father of the plaintiff had entered into a Joint Promotion Agreement with one flat promoter and built a three-floor building containing several flats. He had settled each flat to each of his daughters. If K.S.Sarangapani felt that it is unsafe to give any property to K.S.Padmini in view of her so called “strained relationship” with her husband, he would not have opted to settle the property in favour of K.S.Padmini or would have made it conditional.

21. The attesting witness who was examined as P.W.2 has stated in his evidence that in his opinion there can be two reasons that could have prompted K.S.Padmini to write a Will. One is her husband’s demand for money to buy a property and the other is that her marriage was not consummated. Ex.A1 – Will absolutely lacks any material particulars about the properties which the testator wished to bequeath in favour of her sisters. P.W.2 being the husband of one of the sisters of the deceased K.S.Padmini, could have naturally enquired her why she had chosen to write a Will at that young age. But the evidence of P.W.2 does not have such a spontaneity shown by him. Even in case K.S.Padmini had chosen to protect her properties from her husband, they would have certainly prompted



her to execute a registered Will. Because, the plaintiffs, their husbands and the father of K.S.Padmini were all well educated and they would have known the consequences of an unregistered Will which is roughly written in one sheet of white paper.

22. Though exclusion of a natural heir from inheritance alone cannot be the reason to suspect the genuineness and voluntariness of the Will, the disinheritance of the natural legal heir would intensify the suspicious circumstances. The Will does not even state about the marital status except by describing her name as “K.S.Padmini @ Padmini Vijay”. There is also no reason given to completely shadow the husband of the testator.

23. As stated already, the Will is very vague and cryptic without any specificity. Had it been the Will executed by K.S.Padmini when she was terminally ill due to cancer, it is understandable that she wanted to dispose her property as how she desired. But the Will is said to be executed in the year 2003 itself. Even if it is taken to be true that K.S.Padmini had executed the Will in the year 2003, when her father settled her flat in the year 2009, she would have thought to make an arrangement in respect of the property acquired by her in the



year 2009. Even before knowing which of the property she is going to inherit or acquire title, she had made an open and cryptic Will, that too immediately after one year of her marriage, creates a strong doubt whether K.S.Padmini was acting on her own free will and executed the Will. The instrument was propounded by the testatrix without any outside influence and purely on her own volition. It is difficult to believe that a person who got married in the year 2002 would come to the immediate conclusion in the year 2003 itself that she is not going to have any better life with her husband and out of her marriage no child would be born to her.

24. The evidence of P.W.1 and P.W.2 as to the quality of the relationship between the testatrix and the defendant, is highly improbable for the simple reason that K.S.Padmini had chosen to live with her husband from the date when she got married. Even in the year 2014, when she came to Chennai for better assistance and medical care by staying at her father's place, she did not sever her relationship with her husband. The time, the pattern and the type of the Will and the other circumstances do not serve in favour of the plaintiffs to consider the Will as the one executed by the testatrix on her own volition and without being influenced by anyone.



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25. Even though the defendant had not raised any suspicion as to the signature of K.S.Padmini found in Ex.A1 – Will, the vague and cryptic nature of the Will coupled with other suspicious circumstances, do not satisfy the conscience of the Court to consider the instrument as the one executed by the testatrix on her own free will. Thus, **Issues 1, 2 and 4 are answered accordingly.**

26. As the plaintiffs have failed to dispel those doubtful circumstances raised by the defendant which were proved to be reasonable and acceptable, that would only disentitle the plaintiffs to get the Letters of Administration as prayed by them.

27. In view of the above stated reasons, this Testamentary Original Suit is **dismissed**. No costs.

14.11.2025

Index: Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

Internet : Yes

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APPENDIX

Plaintiffs' side witnesses:

P.W.1 - Mrs.Nalini Parthasarathy

P.W.2 – Mr.S.Vijay

List of Witnesses on the side of the Plaintiffs:

Sl.No.	Exhibits	Description
1	Ex.P1	Original Will dated 04.01.2003
2	Ex.P2	Original Property tax demand card
3	Ex.P3	Original legal heir certificate dated 25.06.2015
4	Ex.P4	Printout of the death certificate of Mrs.K.S.Padmini
5	Ex.P5	Original Term Deposit Receipt dated 05.06.2016
6	Ex.P6	Original Term Deposit Receipt dated 09.06.2016
7	Ex.P7	Original Passbook in State Bank of Mysore bearing account No.54008608373
8	Ex.P8	Original Term Deposit receipt dated 31.03.2016
9	Ex.P9	Original Indian Bank passbook entry
10	Ex.P10	Computer generated copy of the Death Certificate of K.S.Sarangapani, date of issue 12.03.2023
11	Ex.P11	Computer generated copy of the Death Certificate of Chambaga Lakshmi
12	Ex.P12	Original PAN card of Kidambi Sarangapani Padmini
13	Ex.P13	Original Passport of Padmini Vijay
14	Ex.P14	Original cancelled cheque bearing 248582 dated 20.06.2015
15	Ex.P15	Original passbook of Padmini KS bearing account number 54008573802
16	Ex.P16	Original statement of accounts from IDBI Bank, C.P.Ramasamy Road, Chennai, for the



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Sl.No.	Exhibits	Description
		period from 01.01.2017 to 31.03.2017
17	Ex.P17	Original share certificate with TATA Power Company Ltd., Folio No.69710551-6971450, 4200 shares
18	Ex.P18	Original Half Yearly consolidated mutual fund holding of K.S.Padmini
19	Ex.P19	Original TSR Darshaw Ltd., communication for transmission shares having Folio No.H5K0105084
20	Ex.P20	Original account statement issued by UTI in respect of Folio No.50246112794
21	Ex.P21	Original Half Yearly consolidated account statement issued by L&T Management Ltd.
22	Ex.P22	Account statement UTI Mutual Fund Folio No.51716923471
23	Ex.P23	The Original Settlement deed dated 09.09.2009

Defendant side witness:

D.W.1 - Mr.Vijay Rangarajan

List of Witnesses on the side of the Defendant:

Sl.No	Exhibits	Description
1	Ex.D1	The four photographs (series) (4 nos.)
2	Ex.D2	The original Reliance Mutual fund statement dated 26.12.2006
3	Ex.D3	The original post office savings account pass book

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DR.R.N.MANJULA, J.

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