



WEB COPY

A No. 1254 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

A No. 1254 of 2018

in

OP No.622 of 2014

P.Sridhar

S/o K.Parthiban, 292, Muthamizh Nagar,
1st Block, 18th Street, Kodungaiyur, Chennai 118.

..Applicant(s)

Vs

V.Nirmala

W/o T.Venkatesan, No.27, 2nd Street, Vadivel
Nagar, Padiyanallur, Chennai 52

..Respondent(s)

Application filed under Order XIV Rule 8 of the Original Side Rules r/w Section 263 of the Indian Succession Act, 1925, pleaded to revoke the grant of probate issued by this Court on 30.1.2015 for the forged unregistered Will dated 4.10.2012 alleged to have been executed by the said late N.Kesavan.

For Applicant(s): Mr. N.Alagu Narayanan,
for M/s. RRN Legal

For Respondent(s): No Appearance

ORDER

This application has been filed by the applicant seeking to revoke the grant of Probate issued by this Court by order dated 30.01.2015 in OP.No.622 of 2014 filed under Sections 232 and 276 of the Indian Succession Act, 39 of 1925 r/w Order XXV Rule 5 of the High Court Original Side Rules, and issuance of Letters of Administration in respect of the Will dated 04.10.2012.



2. According to the applicant, the petitioner in the original petition is a third party to the deceased Mr. N. Kesavan. The applicant states that he is the grandson of the deceased Mr. N. Kesavan. He has filed this application seeking revocation of the grant of Probate in respect of the unregistered Will dated 04.10.2012. It is his case that in the original petition, the petitioner suppressed the existence of all the legal heirs of the deceased Kesavan and obtained the order by setting up a forged and fabricated unregistered Will dated 04.10.2012 in order to grab the property.

2.1 The applicant would submit that the deceased Kesavan had two wives, namely, Mrs. K. Valli Ammal and Mrs. K. Sulochana. Through the first wife, one son, namely, Mr. K. Parthiban, the father of the applicant was born. Through the second wife, two sons and one daughter, namely, Mr. K. Vivekanandhan, Mr. K. Balaji and Ms. K. Mohanalakshmi were born. Thus, the deceased Kesavan has five legal heirs.

2.2 It is further stated that the deceased Kesavan had executed a registered Will dated 16.08.2010 in favour of the applicant. After the demise of his first wife, the said Kesavan handed over the possession and enjoyment of the property to the applicant in the year 2012. Thereafter, the deceased Kesavan continued to reside with his second wife and died on 13.10.2013.



2.3 The applicant would further state that by suppressing the existence of the above legal heirs and the earlier Will dated 16.08.2010, the respondent herein filed the O.P.No.622 of 2014 falsely stating that the Testator died issueless, effected paper publication and obtained Letters of Administration from this Court by order dated 30.01.2015 by playing fraud. Hence, the applicant has filed the present application.

3. The respondent herein, who was the petitioner in the original petition, filed a counter denying the allegations levelled against her as false. According to the respondent, the sister of the respondent, namely, one Mrs. K. Geetha, was the first wife of the said deceased Kesavan and due to some matrimonial disputes between them, they got separated. Thereafter, the said deceased Kesavan was taken care of by the respondent and in that circumstance, he executed a Will dated 04.10.2012 in her favour. The Will dated 04.10.2012 was executed by the Testator Kesavan, and this Court granted Letters of Administration. It is further contended that now, the application has been filed after a long time, and the applicant has not filed any document to support his plea. Therefore, this application is liable to be dismissed.



4. Despite the matter being listed for enquiry, there was no representation for the respondent, and this Court heard the applicant's side and also perused the records.

5. According to the applicant, he is the grandson of the deceased Kesavan, born through the first wife's son, namely, Mr. K. Parthiban. The said Kesavan had two wives and the applicant is born through the first wife's son and apart from this applicant, two male and one female children were born through the second wife. By suppressing the said facts, the respondent herein, who has no connection with the deceased Kesavan, produced the unregistered Will dated 04.10.2012 and obtained an order from this Court on 30.01.2015.

6. The applicant's father was examined as P.W.1 in O.S.No.1150 of 2020 on the file of the City Civil Court, wherein, the above said legal heirs were arrayed as respondents. The applicant has also produced the legal heir certificate of the said Mr. N.Kesavan before this Court. The said Legal Heir Certificate reveals that one K.Parthiban, K.Vivekanandan, K.Balaji and Mohanalakshmi are legal heirs of the deceased Kesavan. However, the respondent herein filed the original petition seeking grant of Letters of Administration without impleading the said legal heirs as parties to the proceedings.



7. As per the Order XXV Rule 4 of the Original Side Rules, the original petitioner has to plead that all the next of kin of the deceased have impleaded and there is no omission by any interested parties. But, in this case, in the main original petition, the petitioner has not impleaded the legal heirs of the Testator as necessary parties as obtained orders from this Court. Therefore, it would fall under Section 263 Explanation a & b of the Indian Succession Act, 1925, which provides for revocation of grant on the ground of defective proceedings and fraud or concealment of material facts.

8. In the present case, this Court finds that material facts relating to the existence of legal heirs were suppressed at the time of obtaining the order. Therefore, the order dated 30.01.2015 granting Letters of Administration in OP.No.622 of 2014 is liable to be revoked.

9. Accordingly, this application is allowed. The Letters of Administration issued by this Court by order dated 30.01.2015 in OP.No.622 of 2014 stands revoked.

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P.DHANABAL, J.

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