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A.No.686 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 686 of 2026

in

O.P. No. 761 of 2022

1. Mr.P.Mohanasundaram and another
S/o.Late Palani Mudaliar,
Old No.18, New No.35,
Salai Street,
Mylapore,
Chennai 600 004.
2. Mr.P.Vinayagamurthy
S/o.Late Palani Mudaliar,
No.23/1, Nallappan Street,
Mylapore,
Chennai 600 004.

..Applicant(s)

Vs

1. Mr.M.V.Shankar and another
11/5, Salai Street,
Mylapore, Chennai - 600 004.
2. Mr.P.Umasankar
11, Shyamala Vadhana Street,
West Mambalam, Chennai - 600 033.

..Respondent(s)

To Revoke the Letters of Administration granted by this Honble Court
in O.P.No.761 of 2022, dated 10/03/2025.

For Applicant(s): M/s. S.Udhaya Kumar
G.Vivekanandan



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P.Dheepa
P.N.Tharun

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For Respondent(s): Mr.S.Gopalakrishnan
Ms.G.Rajkumari
GK.Venkateswaran

ORDER

Heard the learned counsel on either side and perused the materials placed on record.

2. This application has been filed by the applicants seeking revocation of the Letters of Administration granted by this Court on 10.03.2025 in O.P.No.761 of 2022 in respect of the Will dated 27.01.2021 said to have been executed by late Kannammal alias Baby.

3. The applicants contend that the petition schedule properties are ancestral properties originally belonging to Egappa Mudaliar and that the applicants are lineal descendants in the family. They further contend that they have already filed C.S.No.10 of 2023 for partition in respect of the very same properties and that the said suit is pending before this Court. According to the applicants, Baby @ Kannammal had no absolute right to execute the Will dated 27.01.2021 in favour of the respondents. They also dispute the genuineness of the Will dated 06.10.1994



said to have been executed by D.Kuppuswamy Mudaliar in favour of Baby @ Kannammal.

4. The applicants further contend that they were necessary parties to the Letters of Administration proceedings and that the grant obtained without citing them is defective. It is also contended that they had served a caveat petition on the respondents' counsel on 27.01.2025, but the respondents proceeded to obtain the order of Letters of Administration on 10.03.2025.

5. The respondents resist the application by contending that the applicants have no caveatable interest in the estate of late Baby @ Kannammal. According to the respondents, the applicants are only raising a title dispute, which cannot be gone into in testamentary proceedings. It is further contended that the property came through the Will of S.Kadirvelu Mudaliar, the Will in favour of D.Kuppuswamy Mudaliar, and thereafter through Baby @ Kannammal. The respondents also contend that the Will dated 27.01.2021 was duly proved in O.P.No.761 of 2022.

6. The point for consideration is whether the applicants are persons interested in the estate in the testamentary sense and whether any just cause has been made



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out for revocation of the Letters of Administration granted on 10.03.2025.

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7. The order dated 10.03.2025 in O.P.No.761 of 2022 shows that the original Will dated 27.01.2021 executed by Baby @ Kannammal was marked as Ex.P1. The death certificate of the testatrix was marked as Ex.P12. The Will dated 06.10.1994 executed by D.Kuppuswamy Mudaliar was marked as Ex.P2. The Will dated 26.11.1919 executed by S.Kathirvel Mudaliar was marked as Ex.P5. Paper publications were effected and marked as Exs.P14 and P15. The attesting witness, Mr.Venkatraman, was examined as P.W.2 and he spoke about execution and attestation of the Will. Thereafter, Letters of Administration were granted.

8. The applicants are not claiming as legal heirs of late Baby @ Kannammal. They are also not claiming as beneficiaries under any earlier Will of Baby @ Kannammal. Their case is that the properties are ancestral properties and that Baby @ Kannammal had no right or title to bequeath the same. Thus, the applicants' claim is substantially an independent claim of title adverse to the estate of the testatrix.



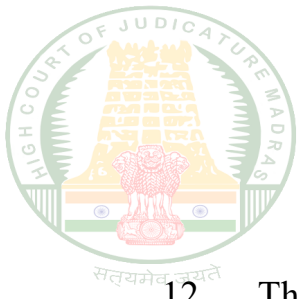
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9. A probate Court or a Court exercising testamentary jurisdiction is concerned

with the due execution, attestation and genuineness of the Will. It does not decide title to the properties covered by the Will. Therefore, a person setting up an independent or adverse title to the property cannot, on that ground alone, seek revocation of the grant of Letters of Administration.

10. The applicants have already instituted C.S.No.10 of 2023 for partition. Their claim that the properties are ancestral properties and that they are entitled to a share can be adjudicated in the said suit. The grant of Letters of Administration by itself will not confer title on the respondents nor will it defeat any title claim of the applicants, if such claim is otherwise established in the partition suit.

11. Insofar as the alleged caveat is concerned, the applicants state that they served a caveat petition on the respondents' counsel. However, there is no material placed to show that any caveat was duly lodged and entered before the Registry in O.P.No.761 of 2022 so as to convert the proceeding into a contested testamentary proceeding. In any event, since the applicants are asserting an independent adverse title, they cannot be treated as necessary parties to the Letters of Administration proceedings.



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12. The allegations regarding the Will dated 06.10.1994 and the Will dated 27.01.2021 are also general in nature. No material has been placed in the present application to show that the order dated 10.03.2025 was obtained by fraud, concealment of any material fact, or by any untrue allegation essential in law for grant of Letters of Administration.

13. This Court is therefore of the view that the applicants have not established any caveatable interest in the estate of late Baby @ Kannammal and have not made out any just cause for revocation under Section 263 of the Indian Succession Act, 1925.

14. Accordingly, A.No.686 of 2026 is dismissed. No costs.

12-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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in
O.P. No. 761 of 2022**

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