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O.S.A.No.68 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.03.2026**

CORAM

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

O.S.A.No.68 of 2026

and

C.M.P.No.7504 of 2026

S.Ranganathan

... Appellant

Vs.

Samridhi Prabhu Srinivasan

... Respondent

Original Side Appeal filed under Order XXXVI, Rule 9 of the Madras High Court Original Side Rules, 1994, to set aside the impugned order dated 22.01.2026 passed in Appln.No.71 of 2026 in T.O.S.No.3 of 2025 and allow the Appln.No.71 of 2026 as prayed for and consequently take on record the appellant's reply statement to the written statement filed by the respondent in T.O.S.No.3 of 2025.

For Appellant : Mr.Menon

J U D G M E N T

(Judgment of the Court was delivered by **P.VELMURUGAN, J.**)

The present intra-Court appeal has been filed challenging the dismissal order dated 22.01.2026 passed in A.No.71 of 2026 in T.O.S.No.3 of 2025.



O.S.A.No.68 of 2026

2. The appellant herein, having been appointed as the Executor under the Will dated 16.04.2019, filed O.P.No.463 of 2024 seeking the grant of probate in respect of the said Will executed by his deceased son, R.Prabhu Srinivasan, who died on 20.06.2021, leaving behind his mother, Usha Ranganathan, and two daughters, viz., Samridhi and Tanushree, as his surviving legal heirs. While, Usha Ranganathan and Tanushree filed consent affidavits supporting the grant of probate, but the respondent herein opposed the same. By order dated 21.12.2024, the learned Master converted O.P.No.463 of 2024 into T.O.S.No.3 of 2025. Subsequently, on 07.09.2025, the respondent filed her written statement raising various allegations against the appellant as well as questioning the genuineness of the Will. In order to controvert the said allegations, the appellant filed an application in A.No.71 of 2026 seeking permission to file a rejoinder/reply statement under Order VIII Rule 9 of the Code of Civil Procedure. However, by order dated 22.01.2026, the learned Single Judge dismissed the said application. Aggrieved by the same, the present appeal has been filed.

3. The learned counsel for the appellant submitted that the written statement filed by the respondent contains several allegations, not only



questioning the genuineness of the Will but also making imputations against the appellant. In order to effectively controvert the said allegations, the appellant filed Application No.71 of 2026, seeking leave of this Court under Order VIII Rule 9 of the Code of Civil Procedure to receive a reply/rejoinder statement. It was further contended that, in view of the nature and gravity of the allegations raised in the written statement, it was necessary for the appellant to defend and clarify his position by way of a reply statement. However, the learned Single Judge, without properly considering the necessity and relevance of the proposed rejoinder/reply statement, dismissed the application. Hence, the said order warrants interference by this Court.

4. Heard the learned counsel for the appellant and perused the materials available on record.

5. It is a settled proposition of law that a Probate Original Petition or a Testamentary Original Suit cannot be converted into a title suit. The scope of such proceedings is limited and does not extend to adjudication of *inter se* title disputes between the parties. Order VIII Rule 1 of the Code of Civil Procedure mandates the filing of a written statement by the defendant, and Order VIII Rule 9 of the Code of Civil Procedure enables



O.S.A.No.68 of 2026

the Court to permit the defendant to file subsequent pleadings, including an additional written statement, only with its leave. However, such permission is not to be granted as a matter of right, and a plaintiff has no vested right to file rejoinder, except upon sufficient cause being shown. Further, the scope of a Probate Original Petition or a Testamentary Original Suit is confined to examine the genuineness and due execution of the Will in the manner known to law, particularly, as per Section 68 of the Indian Evidence Act, and does not extend beyond the said limited enquiry.

6. In the present case, while dismissing the application, the learned Single Judge observed that the both the plaintiff and the defendant would have adequate opportunity to put forth their defence at the stage of trial. The learned Single Judge, further observed that the scope of a Testamentary Original Suit is limited and cannot be expanded so as to convert it into a title suit. It is to be noted that, when the respondent/defendant enters the witness box, the appellant/plaintiff would have opportunity to effectively cross-examine her. Even in the event that the respondent/defendant does not adduce oral evidence, the appellant/plaintiff would still be entitled to meet and disprove the allegations made in the written statement by letting in appropriate evidence in chief. Therefore, there is no necessity to file a reply statement. It is also



pertinent to note that a reply statement does not form part of the pleadings as of right. The pleadings in a suit originally comprise the plaint and the written statement, and any subsequent pleading can be received only with the leave of the Court. A rejoinder or reply statement cannot be treated as a pleading as of right. In view of the above consideration, the learned Single Judge, dismissed the application.

7. Considering the facts and circumstances, this Court finds no valid grounds to interfere with the order passed by the learned Single Judge. The appeal, arising out of an interlocutory order, does not merit admission. Therefore, this Court finds that appeal is devoid of merits and is liable to be dismissed.

8. In the result, the Original Side Appeal fails and the same is dismissed at the admission stage itself. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(P.V.,J.) (K.G.T.,J.)
23.03.2026

ms

Speaking / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

5/6



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O.S.A.No.68 of 2026

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