



T.O.S.No.36 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

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

TOS No. 36 of 2021

1. A.Rangarajan
S/o.G.Alagiasingam
2. A.Parthasarathy
S/o.G.Alagiasingam,
Both are residing at
No.7, T.P.Koil Street,
Triplicane, Chennai-5

..Plaintiff(s)

Vs

Kannan Srinivasan
S/o.Srinivasan,
No.20765, Bankway, Photomac Falls,
V.A.20165, USA

..Defendant(s)

That Letters of Administration with the will annexed, may be granted to the petitioners as sons of the deceased legatee under the will said deceased, having effect and limited to the State of Tamil Nadu Gross Amount Rs.15,00,000/- Net Amount Rs.14,80,000/- (OP 815 of 2014 converted into TOS) C/F of Rs.9,200/- paid on 22/10/2021, vide A.No.386/2022 as per order date 04.02.2022.

For Petitioner(s): M/s.V.Perumal
A.Govindasamy
S.Sandeep

For Respondent(s): M/s.Abinav Parthasarathy
S.V.Supriya For Caveator



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JUDGMENT

This Testamentary Original Suit arises from O.P. No.815 of 2014 and relates to the Will dated 16.07.2002 said to have been executed by late G. Alagiasingam.

2. The Will had originally appointed the testator's wife, A. Pattammal, as the executrix. She had earlier taken steps for probate by filing proceedings in Diary No.5657 of 2011. However, before the matter could be taken on file, she died on 14.02.2013. Therefore, the plaintiffs, being the beneficiaries under the Will, filed the present proceedings for grant of Letters of Administration with the Will annexed.

3. The legal heirs of late G. Alagiasingam are his two sons, who are the plaintiffs, and his three daughters, who were originally arrayed as respondents. Out of the daughters, R. Rajalakshmi and A. Kannamma, who were respondents 1 and 3 in the original proceedings, filed consent affidavits. The other daughter, A. Choodamani, having died, her son Kannan Srinivasan came on record as the defendant. Since objections were filed by the defendant, the Original Petition was converted into T.O.S. No.36 of 2021.



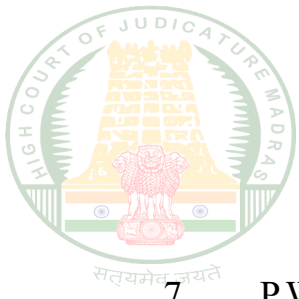
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4. This Court, by order dated 11.01.2023, framed the following issue for trial:

“Whether the Will dated 16.07.2002, said to have been executed by Mr. G. Alagiasingam, is genuine?”

5. The plaintiffs marked Exs.P1 to P5. Ex.P1 is the original unregistered Will dated 16.07.2002. Ex.P2 is the death certificate of the testator G. Alagiasingam. Ex.P3 is the death certificate of the executrix A. Pattammal. Ex.P4 is the death certificate of N.S. Krishnan, one of the attesting witnesses. Ex.P5 is the Aadhaar card of P.W.2 Rajagopal Krishnan. These documents support the case of the plaintiffs regarding the death of the testator, the death of the executrix, and the proof of the Will through the available evidence.

6. On the side of the plaintiffs, P.W.1 A. Parthasarathy, the second plaintiff, was examined. He spoke about the execution of the Will, the custody of the Will, the death of the testator, the death of the executrix, and the circumstances under which the plaintiffs sought Letters of Administration. He also stated that the signature found in the Will is that of his father.



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7. P.W.2 Rajagopal Krishnan was also examined. He is the son of late N.S. Krishnan, one of the attesting witnesses to the Will. He identified the signature of his father in the Will and stated that his father had informed him that he had signed as a witness to the Will executed by G. Alagiasingam. PW1 and PW2 were also cross examined by the defendant.

8. After the completion of plaintiff side evidence the defendant filed the affidavit dated 13.11.2025. In that affidavit, the defendant has stated that the plaintiffs are his maternal uncles and that he had earlier filed objections in the Original Petition. He has also stated that because of his objections, the Original Petition was converted into the present Testamentary Original Suit. After the plaintiffs' evidence was concluded, the defendant and the plaintiffs arrived at a settlement. On that basis, the defendant filed the affidavit and unconditionally withdrew the objections made by him in the suit.

9. On considering the evidence of P.W.1 and P.W.2, the documents marked as Exs.P1 to P5, the earlier probate steps taken by the testator's wife A. Pattammal, the consent affidavits filed by the daughters who were respondents 1 and 3 in the



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original O.P., and also the affidavit of the defendant withdrawing his objections, this

Court is satisfied that the Will dated 16.07.2002 has been duly proved.

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10. Accordingly, the issue is answered in favour of the plaintiffs.

11. In the result, T.O.S. No.36 of 2021 is decreed. The Registry shall issue a Letters of Administration with the Will annexed in favour of the plaintiffs accordingly, to have effect throughout the State of Tamil Nadu. The plaintiffs are directed to execute a security bond for a sum of Rs.25,000/ (Rupees Twenty five Thousand only) each in the name of the Assistant Registrar (Original Side) of this Court. The plaintiffs shall file a full and true inventory of the estate within six months from the date of receipt of the Letters of Administration and shall render a true and proper account within one year thereafter. In the circumstances, there shall be no order as to costs. Consequently, connected applications, if any, stand closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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List of witnesses examined on the side of plaintiff(s):

PW1 – Mr.A.Parthasarathy.

PW2 – Mr.Rajagopal Krishnan

List of witnesses examined on the side of defendant(s): Nil

List of documents marked on the side of plaintiff(s):

Ex.P.1 – Unregistered will dated 16.07.2002 marked with subject to objection, proof and relevancy.

Ex.P.2 – Online print out copy of death certificate of Shri.G.A.Singam Iyengar (certificate U/S 65B B)

Ex.P.3 – Online print out copy of death certificate of Alagia Singam Aptammal (certificate U/S 65B B)

Ex.P.4 – Photocopy of the death certificate of N.S.Krishnan dated 09.03.2019

Ex.P.5 – Original Aadhar card of Mr.Rajagopal Krishnan.

List of documents marked on the side of Defendant(s): Nil

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DR.A.D.MARIA CLETE, J.

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