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A.No.944 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

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

A No. 944 of 2026

IN

OP NO. 761 OF 2022

Santhi
W/o.Manoharan
No.42, Perumal Kovil Street,
Ammanambakkam Village,
Damaraipakkam 601 103
Tiruvallur Taluk and District.

..Applicant(s)

Vs

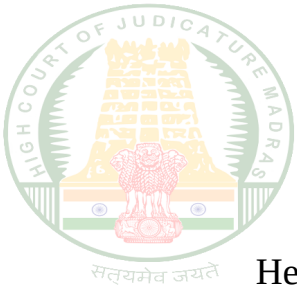
1. Shankar and another
S/o.Vivekananthan, Sivasakthi Flat,
Salai Street,
Mylapore, Chennai - 600 004.
2. Uma Shankar
S/o.K.Pathmanaban, Shyamala Vadhana Street,
West Mambalam, Chennai - 600 033.

..Respondent(s)

To revoke the letters of administration issued in favour of the
Respondents/ Petitioners in the above O.P.No.761 of 2022.

For Applicant(s): M/s.S.Suseela Devi
M.S.Aravinthan
G.Varun Gandhi

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



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ORDER

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record.

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

2. This application has been filed by the applicant 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 Baby @ Kannammal.

3. The applicant claims that she is the only daughter of late Kanthiammal, who according to her was the elder sister of deceased Baby @ Kannammal. The applicant states that Baby @ Kannammal died on 28.06.2022 without issues and that her family members had taken care of the deceased and performed the funeral and other ceremonies.

4. It is further stated that the applicant's mother Kanthiammal had earlier filed an application to implead herself in O.P.No.761 of 2022, but she died on 24.03.2024. According to the applicant, the said impleading application was numbered as A.No.2977 of 2024 and later abated, as the legal heirs were not



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brought on record. The applicant claims that she thereafter filed an application to implead herself, but the same was returned on 07.03.2025, and O.P.No.761 of 2022 was allowed on 10.03.2025.

5. The applicant alleges that the Will dated 27.01.2021 is suspicious, that the deceased was aged and had health ailments, and that the deceased had orally stated that she wanted to give her properties to the applicant and her family members. On these grounds, the present application has been filed.

6. The respondents oppose the application and have filed a counter affidavit contending that the applicant has no caveatable interest in the estate of the testatrix. It is contended that the earlier impleading application filed by Kanthiammal had abated on account of her death, and that the subsequent attempt made by her legal heirs to get themselves impleaded was also not entertained by this Court. The respondents have further traced the title to the schedule properties by stating that the properties originally belonged to S. Kadirvelu Mudaliar, who had purchased the same out of his own earnings and treated them as his self-acquired properties. He is stated to have executed a registered Will dated 26.11.1919 in favour of his son K. Devaraj Mudaliar, which was the subject matter of probate proceedings in O.P.



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No.102 of 1939, later converted into T.O.S. No.14 of 1939. Thereafter, K. Devaraj

Mudaliar is stated to have enjoyed the properties absolutely and, upon his death, the properties devolved on his only son D. Kuppuswamy Mudaliar. The said D. Kuppuswamy Mudaliar, in turn, is stated to have executed a registered Will dated 06.10.1994 in favour of his wife, Baby @ Kannammal, thereby conferring the schedule properties on her. It is further contended that Baby @ Kannammal executed a Will dated 27.01.2021 in favour of the respondents, namely, M.V. Shankar and P. Uma Shankar, and that Letters of Administration in respect of the said Will were granted by this Court on 10.03.2025 in O.P. No.761 of 2022. The respondents therefore contend that the applicant has not produced any documentary evidence to establish any entitlement or benefit in the estate, and that the application for revocation is devoid of merits.

7. The point for consideration is whether the applicant has established caveatable interest in the estate of the deceased and whether any just cause is made out for revocation of the Letters of Administration granted on 10.03.2025.

8. The applicant claims through Kanthiammal, who is stated to be the elder sister of the deceased Baby @ Kannammal. Except the said relationship, the

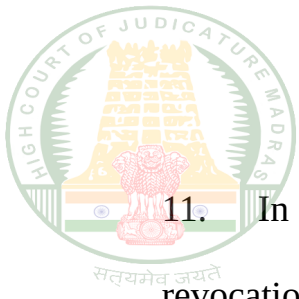


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applicant has not produced any document to show that she has any legal right or interest in the estate. The averments regarding care, performance of funeral ceremonies, and alleged oral statement of the deceased do not create any caveatable interest.

9. The respondents have traced the title to the properties from S. Kadirvelu Mudaliar to K. Devaraj Mudaliar, then to D. Kuppuswamy Mudaliar, and thereafter to Baby @ Kannammal under the registered Will dated 06.10.1994 executed by her husband D. Kuppuswamy Mudaliar. The applicant has not produced any material to dislodge this chain of title or to show that she would be entitled to the estate in the event of intestacy. Hence, applicant has no caveatable interest in the estate of the testatrix.

10. The earlier impleading application filed by Kanthiammal admittedly abated on her death. The applicant has not taken steps to revive the said application or set aside the abatement. The subsequent impleading attempt was also not entertained. These facts do not constitute just cause for revocation of the grant.



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11. In the absence of caveatable interest ,the applicant is not entitled to seek revocation of the Letters of Administration. Accordingly, A.No.944 of 2026 is dismissed. No costs.

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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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