



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**A No. 5279 of 2023 in
OP No. 650 of 2020**

1. K.Jothi (Deceased)
W/o.S.Kannan, No.18, Asath Road, Old Nagai
Salai, Vijayapuram, Thiruvapur 610 001.
2. S.Kannan
No.18, Asath Road, Old Nagai Salai,
Vijayapuram, Thiruvapur - 610 001
3. K.Priyanga
No.18, Asath Road, Old Nagai Salai,
Vijayapuram, Thiruvapur - 610 001
4. K.Manikandan
No.18, Asath Road, Old Nagai Salai,
Vijayapuram, Thiruvapur - 610 001
(Applicants 2 to 4 are brought on record as
Legal Heirs of the deceased 1st applicant as
per order passed in A.No.4213 of 2025 dated
11.09.2025)

..Applicant(s)

Vs

1. J.Jeyasingh (Deceased)
S/o.G.S.Jayaraj, 15/1057, Jeevan Beema
Nagar, Annanagar West Extension,
Chennai-600 101
2. Ms.Rajathi Leela
W/o.Vinod Leela, E-1, 104, Square Homes,
Sowbakya Viyayam Nagar, Thiruporur,
Chengalpet-603 110



WEB C

3. Mrs.Margert Steela Bai
W/o.Rajasingh, No.843A, 5th Cross Street,
TV.S.Nagar, Maharajanagar, Palayamkottai,
Tirunelveli District
4. Mrs.R.Lucy
D/o.Rajasingh, No.849, 4th Cross Street,
T.V.S.Nagar, Maharajanagar, Palayamkottai,
Tirunelveli District
5. Mrs.R.Sophy
D/o.Rajasingh, No.4/26, Kamarajar Street,
Nemilicherri, Thiruvallur District
6. J.Sasikara Jayasingh
S/o.Late Jeyasingh,
No.5106/5, Fifth Main Road,
Anna Nagar West, Chennai - 600 040.
7. Rashiker Jeyasingh
S/o.Late Jeyasingh,
No.567, Catalpa Drive, Birmingham,
Michigan, 48009, USA.
8. J.Vasikar Jeyasingh
S/o.Late Jeyasingh,
F104, Nandhana Green Apartments,
32/4, Someshwara Temple Layout,
Billekahalli, Bangalore - 560 076.
9. Lizziga Jeyasingh Rashed
D/o.Late Jeyasingh,
11707, Vance Jackson Road,
Apt 411, San Antonio, Tx - 78230, USA.
10. J.Kaeshiker Jeyasinghashed
S/o.Late Jeyasingh,
3, Broadfield Grange, Broadfied Manor,
Rathcoole, Co Dublin - Ireland, Eircode
-D24K27F.



11. Deepka Jeyasingh
D/o.Late Jeyasingh,
F1202, F Block, Twelfth Floor, Casagrand
ECR 14, Maya Street, Kanathur
Reddykuppam,
Tamil Nadu - 603 112.

(Respondents 6 to 11 brought on record as
legal heirs of deceased first respondent and
the amendment carried out as per order dated
01.03.2024 in A.No.1108/2024 in
A.No.5279/2023)

..Respondent(s)

Prayer:

Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 263
of Indian Succession Act to revoke the grant of Letters of Administration dated 05th
October 2021 granted in favour of the petitioners on the ground suppression of facts in
O.P.No.650 of 2020.

For Applicant(s): Mr.S.Bala Subramaniam

For Respondent(s): Mr.Aloysius Raja Pragash
for R2 to R6, R8 & R11

Not ready for R7, R9 & R10

O R D E R

This application has been filed by the applicants to revoke the grant of
Letters of Administration granted in favour of the petitioners in the main Original



Petition through order dated 05.10.2021. In fact, initially, the application was filed by the applicant, viz., K.Jothi and during the pendency of the application, she died and her legal heirs are impleaded as applicants 2 to 4.

2. An affidavit has been filed by the original applicant, namely, K.Jothi alleging that she is the applicant herein and the respondents have filed the main Original Petition for grant of Letters of Administration without Will in respect of estate of Late J.Paulraj son of G.S.Jayaraj, who died on 12.09.2017 at No.2, Mudichur Road, West Tambaram, Chennai – 600 045. In fact, the said J.Paulraj executed a Will dated 26.04.2017 by appointing the said Jothi as an executor, by suppressing the said Will, the said Main Original Petition has been filed by the respondents / petitioners.

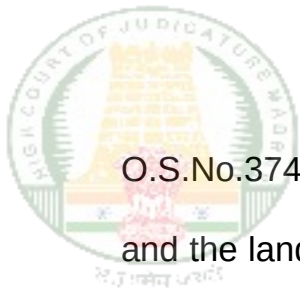
2.1. The said J.Paulraj married one Parvathi and no children were born to them. Therefore, the said Paulraj and Parvathi reared brother's son of Parvathi, namely, Veerakumar by providing education and nurtured him as their own son and the said Veerakumar performed the last rites to the said deceased Paulraj. The said Paulraj was not having mutual relationship with his own brother and sister and they are also not affectionate to the said Paulraj. The said Paulraj was doing real estate business in and around the area by developing lands and purchasing many properties in his name and the name of his wife, viz., Parvathi with one Ramanujam, who is the partner.



WEB: www.mhc.tn.gov.in

2.2. As per the Will dated 26.04.2017, Jothi was appointed as Executor during the life time of the said Paulraj. The said Paulraj directed the said Jothi to deposit a sum of Rs.5 Lakhs in the name of the 4th respondent, Mrs.R.Lucy and to handover the receipt to the 3rd respondent/ 3rd petitioner. After the demise of the said Paulraj, as a executor of the Will, Jothi, was paying interest for the loan obtained by Paulraj and the same was received by the Bank without any protest and the HDFC Bank is very well aware of the fact that the Original borrowers are not alive. When the said Jothi insisted the Bank to return the documents after receiving dues of the Bank without assuring to return the documents obtained by it at the mortgage, the bank had initiated arbitration proceedings against the dead borrowers and also against the grantor of the loan Mr.S.Kannan. The petitioners in the Main Original Petition are aware of the existence of the Will dated 26.04.2017, suppressing the said Will, filed the above petition and obtained orders.

2.3. In the affidavit of assets, the dues, which were received by late Paulraj by claiming that he had invested a sum of Rs.2,00,000/- in Aditya Flexi Packaging, Valasaravakkam, apart from Promissory Note of Rs.1,00,000/- allegedly executed by G.Manohar, no other movable or immovable properties mentioned in the Annexure. The said promissory note dated 01.06.2016 had already been time barred and immovable property situated in Vaipur, Sriperumpudur Taluk are under litigation in



O.S.No.374 of 2010 and O.S.No.16 of 2016 on the file of District Court, Kanchipuram and the lands covered in respect of other properties, litigation is pending in O.S.No.47 of 2016 on the file of District Court, Kanchipuram.

2.4. The said Jothi has already taken steps to probate the Will of the deceased J.Paulraj in O.P.D.No.5893 of 2023 on 19.04.2023 by disclosing all the assets and liabilities of J.Paulraj by citing the petitioners in the Main Original Petition as respondents and the Original Petition was returned for certain compliance. The petitioners in the main original Petition are very well aware of the existence of the Will as well as liabilities contracted by J.Paulraj while he was alive, inspite of that, they suppressed the fact and filed the Main Original Petition and obtained the Letters of Administration, therefore, the Letters of Administration granted to the respondents / petitioners has to be revoked.

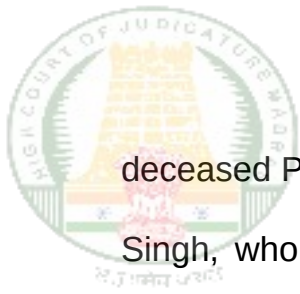
3. The respondents filed counter stating that the assets described in the petition belongs to Paulraj S/o Jeyaraj. The deceased Jayasingh is the own brother of the said Paulraj. The said Paulraj married one Parvathi and they had no issues. The said Paulraj died on 12.09.2017 leaving behind his brothers, viz., Jeyasingh, Rajasingh, and sister Rajathi Leela, wife of Paulraj, Parvathi died on 15.05.2016. The said Rajasingh died on 17.11.2009 and the legal heirs of deceased Rajasingh are Margert Stella Bai, R.Lucy and R.Sophy. The legal heirs of the deceased Paulraj have filed



the main Original Petition for grant of Letter of Administration. This Court also granted Letters of Administration in favour of the petitioners in the main original Petition. While so, the applicant, Jothi and the said Veerakumar have fraudulently created a Will and these respondents are well aware that the deceased Paulraj never executed any Will in favour of anyone during his life time. After fabricating the Will, the applicants have initiated probate proceedings with the delay of six years.

3.1 The applicant, viz., Jothi, is none other than the sister-in-law of Paulraj and the said deceased Paulraj never executed any Will. The averments that the said Parvathi provided education to the reared Jothi's brother's son, Veerakumar are all false. The mortgaged loan secured with HDFC Bank, Tiruvarur District has already been settled with these respondents by paying Rs.19,75,000/- on 26.05.2023 and the loan was discharged by the bank through the receipt dated 26.05.2023. During the life time of deceased Paulraj, he informed that at request of Kannan, mortgage loan was obtained and the amount was paid to the said Kannan. Further, the said Kannan did not repay the amount towards the said loan and the entire dues were subsequently settled by these respondents after the demise of deceased Paulraj.

3.2. The said Jothi and Veerakumar had concocted and created several false debts and liabilities in the name of the deceased in order to give colour of genuineness to the fabricated Will. At the time of filing of the main Original Petition, no Will of



deceased Paulraj was in existence. The said Paulraj was closely associated with Jeya Singh, who filed the Main Original Petition seeking Letters of Administration. After Letters of Administration was granted in the Main Original Petition, the said Jeya Singh passed away. After having knowledge about the orders passed by this Court, the applicant, Jothi initiated probate proceedings before the learned District and Sessions Judge, Nagapattinam in O.P.No.98 of 2023. The deceased Paulraj died on 26.04.2017, whereas the probate proceedings were only initiated in the year 2023 with an inordinate delay of six years, therefore, the petition is barred by limitation. The applicants had deliberately added R.Lucy as party in the present Application. After amendment, the main Petition was duly considered and ordered in accordance with law, after following the procedure. Accordingly, the present application is liable to be dismissed.

4. The learned counsel for the applicants would submit that the respondents filed the main Original Petition for grant of Letters of Administration with reference to J.Paulraj alleging that they are legal heirs of deceased Paulraj and he died intestate and obtained orders from this Court. In fact, the said Paulraj executed Will dated 26.04.2017 by appointing the applicant, viz., Jothi as the executor, suppressing the said Will, the respondents filed the Main Original petition and obtained orders without including the petitioners as parties to the petition. Already, the Civil Suits are pending in respect of the properties of the said Paulraj in O.S.Nos.374 of 2010 and O.S.No.16



of 2016 and O.S.No.47 of 2016 on the file of District Court, Kanchipuram. Further, the applicants have already filed a petition before the learned District and Sessions Judge, Nagapattinam for probate of the Will of the deceased J.Paulraj and the same is pending, therefore, by suppressing the facts, the Original Petition has been filed for grant of Letters of Administration, therefore, the said order is liable to be revoked.

5. The learned counsel appearing for the respondents 6, 8 and 11 would submit that these respondents, who are petitioners in the main petition, are the legal heirs of the deceased Paulraj and by impleading all the legal heirs, next kin of the said Paulraj, the said petition has been filed. The said Paulraj never executed any Will in favour of anybody. The applicants have filed the petition by creating a Will and they filed the Will after six years from the date of death of deceased J.Paulraj. This Court after hearing both sides on merits, granted Letters of Administration, therefore, there is no ground to revoke orders passed by this Court.

6. Heard the learned counsel for the applicants and the learned counsel for the respondents 6, 8 and 11 and perused the entire documents placed on record.

7. It is an admitted fact that the deceased J.Paulraj died on 12.09.2017 and the properties mentioned in the main petition belonged to J.Paulraj. The respondents herein have filed the said Main Original Petition stating that the said J.Paulraj died



intestate and he had two brothers, viz., Jeyasingh and Rajasingh and one sister, viz., Rajathi Leela. One of the brother, viz., Raja Singh died and the petitioners 3 to 5 mentioned in the Main Original Petition are the legal heirs of Rajasingh, therefore, filed the petition for grant of Letters of Administration and this Court, after hearing the parties issued Letters of Administration in favour of the respondents 1 to 5 / petitioners through order dated 05.10.2021. Thereafter, the applicant, namely, Jothi filed the present application alleging that the said deceased J.Paulraj had executed Will dated 26.04.2017 by appointing her as Executor of the Will and the petitioners in the main Original Petition have knowledge about the said Will, by suppressing the said Will, they filed the Main Original Petition, hence the order passed by this Court is liable to be set aside.

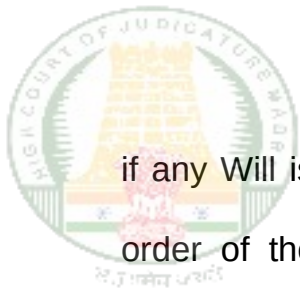
8. It is also an admitted fact that there are Civil Suits pending before the District Court, Kancheepuram in respect of the properties of the deceased J.Paulraj and based on the Will, the applicants also filed for Letters of Administration to probate the alleged Will dated 26.04.2017 and the same is pending before the learned District and Sessions Judge, Nagapattinam in O.P.No.98 of 2023. Thereafter, the present application has been filed by the applicant, Jothi, during the pendency of the application, the applicant, viz., Jothi died and therefore, her legal heirs were impleaded as applicants 2 to 4.



WEB COPY

9. It is the case of the applicants that the deceased Paulraj executed Will dated 26.04.2017 and by suppressing the said facts, the respondents filed the Main Original Petition for grant of Letters of Administration and the same was allowed. Per contra, it is the case of the respondents that no Will was executed by the deceased Paulraj and since they are the legal heirs of the deceased Paulraj, they filed the Original Petition. Since the proceedings are pending before the competent courts and in the said pending suits, the parties can resolve their disputes.

10. As far as the grant of Letters of Administration is concerned, the Court has only duly permitted the respondents / petitioners to deal with the properties and the Court has not gone into the title of the property. Merely because there is a Will projected by the applicants, the Letters of Administration granted to the respondents 1 to 5 / petitioners, cannot be revoked, unless strong reasons are established by other side. Further, the respondents 1 to 5, who are petitioners in the main Original Petition, also raised a strong objection by stating that no Will was executed by the deceased. If the Will was executed by the deceased, it is for the parties to prove the Will, in the manner known to Law, therefore, the order passed by this Court by granting Letters of Administration need not be revoked, merely because the Will was executed. That apart, this Court only granted Letters of Administration to deal with the properties and



if any Will is proved in the manner known to law, then, the parties are bound by the order of the court concerned and there are no grounds to revoke the Letters of Administration granted by this Court.

Therefore, the present Application has no merits and deserves to be dismissed.

Accordingly, the same is dismissed.

16.02.2026

Index: Yes / No
Internet : Yes No
ssd



WEB COPY



P. DHANABAL, J.,

ssd

**A No. 5279 of 2023 in
OP No. 650 of 2020**

16.02.2026

13/13