



WEB COPY



O.P. No. 856 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.06.2026
PRONOUNCED ON : 25.06.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

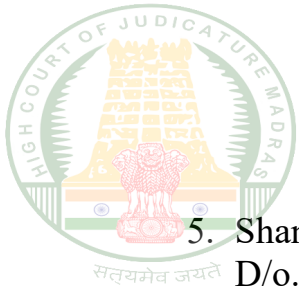
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M.A.Kannan,
S/o.late Aravamudha Iyengar,
No.30, Old No.34/2,
Vedanthadesikar Street, (Palathope)
Mylapore, Chennai – 600 004.

..Petitioner(s)

Vs

1. K.Kalyani
W/o. S.Kasthurirangan,
D/o. Late Aravamudha Iyengar,
Plot No.14, Teppakulam 1st Street,
Srirangam, Trichy 620 006.
2. S.Booma
W/o. K.A.Srinivasan,
D/o. Late Aravamudha Iyengar,
Plot No.14, Balambal Nagar,
Ulagaram, Chennai 600 091.
3. A.Prema
W/o.Aravamudhan,
D/o.Late Aravamudha Iyengar,
No.30, Palathope, Mylapore, Chennai 600 004.
4. Sridaran
S/o. Late M.A.Santhanam,
Old No.4, Kuppusamy Naidu Street,
Nanganallur, Chennai 600 061.



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5. Shanthi

D/o. Late M.A.Santhanam,
Old No.4, Kuppusamy Naidu Street,
Nanganallur, Chennai 600 061.

6. Malathi

D/o. Late M.A.Santhanam,
Old No.4, Kuppusamy Naidu Street,
Nanganallur, Chennai 600 061.

7. P.Sampath Kumar

S/o. Parthasarathy,
No.12/33, NKM Street, Mylapore,
Chennai 600 004.

8. P.Srinivasan

S/o. Parthasarathy,
No.12/33, NKM Street, Mylapore,
Chennai 600 004.

9. P.Anuja

D/o. Parthasarathy,
No.12/33, NKM Street, Mylapore,
Chennai 600 004.

10.S.Bhama

D/o. Kannan,
No.1/22, Dhasavathara Sannadhi Street,
Srirangam, Trichy 60 006.

11.Kowsalya

D/o. Kannan,
No.1/22, Dhasavathara Sannadhi Street,
Srirangam, Trichy 60 006.

12.K.Srinivasan

S/o. Kannan,
No.1/22, Dhasavathara Sannadhi Street,
Srirangam, Trichy 60 006.



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..Respondent(s)

WEB COPY PRAYER: That Letters of Administration with the Will annexed may be granted to him as the son/Beneficiary named under the Will of the deceased to have effect limited to the State of Tamil nadu and limited to the assets mentioned in the affidavit of assets. Gross amount of Rs.84,84,000/- and Net Amount of Rs.84,84,000/- Suc.duty of Rs.25,000/- paid on 30.06.2025 by e-C/F D.No.23854/2025.

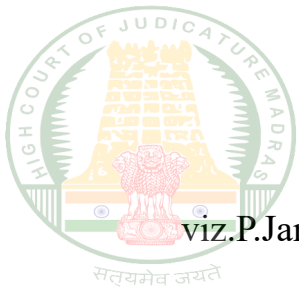
For Petitioner(s): Mr.R.T.Vijayaraghavan.

For Respondent(s): Mr.A.S.Bhavanewwaran.

ORDER

This Original Petition has been filed for grant of Letters of Administration with the copy of the Will annexed in respect of the Will dated 07.03.1981 said to have been executed by late Aravamudha Iyengar, limited to the Schedule-C property described in the petition and limited to the State of Tamil Nadu.

2. The case of the petitioner is that late Aravamudha Iyengar died on 17.03.1981. The petitioner states that he is son and the respondents 1 to 3 are the daughters of the deceased Aravamudha Iyengar. The respondents 4 to 6 are grandchildren of the deceased, born through his deceased son M.A.Santhanam and the respondents 7 to 9 and 10 to 12 are the grandchildren of the deceased born through his deceased daughters

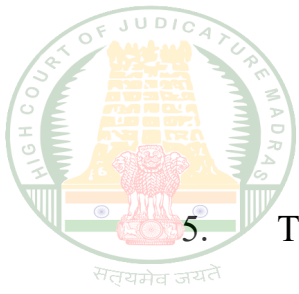


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viz.P.Janakavalli and K.Vasanth. According to the petitioner, all the legal heirs of the deceased have been impleaded in the present petition.

3. The petitioner states that the deceased executed a Will dated 07.03.1981. Under the said Will, the properties of the deceased were dealt with under Schedules A, B and C. The present petition has been filed only in respect of the Schedule-C property, namely, the property bearing Old Door No.31, previous Door No.30, New Door No.38, Vedantha Desikarswamy Street, Palathope, Mylapore, Chennai-600004, measuring 880 sq.ft. It is the further case of the petitioner that under the Will, the said Schedule-C property devolved on him after the lifetime of Jayammal, who was given only a life interest, and that Jayammal died on 22.01.2014.

4. The petition is not founded on the original Will. The petitioner has produced only a photocopy of the alleged Will dated 07.03.1981. According to the petitioner, the original Will was in the custody of late M.A. Santhanam, father of respondents 4 to 6, and during shifting of residence, the original Will was misplaced and could not thereafter be traced. On that basis, the petitioner seeks grant of Letters of Administration with the copy of the Will annexed.

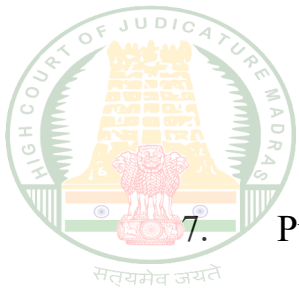


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5. The petitioner examined himself as P.W.1 and marked Exs.P1 to P15.

Ex.P1 is the photocopy of the Will dated 07.03.1981. Ex.P2 is the photocopy of the sale deed dated 27.11.1980 in favour of the deceased. Ex.P3 is the death certificate of Aravamudha Iyengar. Ex.P4 is the legal heirship certificate of Aravamudha Iyengar. Exs.P5 to P11 are the death certificates relating to the concerned heirs in the family branches. Ex.P12 is the affidavit of assets showing the net value of the estate at Rs.84,84,000/-. Ex.P13 is the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam in respect of electronic records. Exs.P14 and P15 are the paper publications effected in the Tamil daily “Makkal Kural” dated 06.08.2025 and the English daily “Trinity Mirror” dated 14.08.2025. The respondents had filed their consent affidavits and same is recorded by the learned Master On 27.02.2026.

6. Since both the attesting witnesses to the Will were stated to be no more, the petitioner filed A.No.6486 of 2025 seeking permission to examine a third party witness, namely, Mrs. Usha Sriraman, daughter of late M.A. Parthasarathy, who is stated to be the first attesting witness to Ex.P1. By order dated 07.01.2026, this Court permitted examination of the said witness to identify the signatures of the testator and the first attesting witness.



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7. Pursuant thereto, Mrs. Usha Sriraman was examined as P.W.2. She has deposed that Ex.P1 is the Will executed by her grandfather late Aravamudha Iyengar in favour of her paternal uncle, the petitioner herein. She has further stated that she is acquainted with the handwriting and signature of her grandfather and that she identified the signature of the testator in Ex.P1. She has also stated that her father late M.A. Parthasarathy was the first attesting witness to Ex.P1 and that she identified his signature in Ex.P1.

8. The present petition has been filed seeking grant of Letters of Administration with the Will annexed in respect of the 'C' Schedule property described in the petition. The case of the petitioner is that the original unregistered Will was lost in transit and, therefore, only a photocopy of the alleged Will has been produced before this Court.

9. This Court had earlier, by adjudicatory order dated 16.04.2026 raised a specific query as to how the photocopy produced by the petitioner could be identified and accepted as a true copy of the alleged lost Will.

10. In response, learned counsel for the petitioner submitted that all persons having caveatable interest have filed their consent affidavits and have



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not chosen to contest the proceedings and, therefore, this Court need not enquire into the merits of the claim.

11. The said submission cannot be accepted. The grant of probate or Letters of Administration is not a matter of consent between parties. Even in an uncontested testamentary proceeding, the Court is under a statutory obligation to satisfy itself regarding the existence and genuineness of the testamentary instrument before granting representation to the estate of a deceased person. Mere absence of opposition or filing of consent affidavits by persons having caveatable interest does not dispense with the requirement of proving the Will in the manner known to law.

12. It is true that Section 237 of the Indian Succession Act, 1925 contemplates grant of probate or Letters of Administration in respect of a lost or misplaced Will. However, before invoking the said provision, the petitioner must first establish (i) the existence of the original Will, (ii) its due execution, (iii) the factum of its loss or destruction without revocation, and (iv) that the copy produced before the Court is in fact a true copy of the original testamentary instrument.



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13. In the present case, the petitioner has failed to adduce any acceptable evidence to establish the existence of the original Will or to prove that the photocopy filed before this Court is a true copy thereof.

14. Except the production of the photocopy, no oral or documentary evidence has been adduced to establish that the original Will was in existence, that the photocopy now produced is a faithful reproduction of the original Will. No person has been examined before this Court to show that the original was last seen by him, before it being lost which is the true copy before this court.

15. Thus, the photocopy of the Will produced in these proceedings has not been proved to be a true copy of the original Will. No witness who had last seen the original Will or who could identify and confirm that the photocopy filed before this Court is a true and faithful reproduction of the original has been examined. In the absence of such evidence, the identity and authenticity of the photocopy remain unestablished. Consequently, this Court is not satisfied that the document produced is a true copy of a duly executed Will which was subsequently lost. Therefore, the petitioner is not entitled to



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invoke the provisions of Section 237 of the Indian Succession Act, 1925, and
the relief sought thereunder cannot be granted.

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16. Accordingly, the Original Petition is dismissed. No costs.

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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 the petitioner:

PW1 – M.A.Kannan
PW2 – Usha Sriraman

List of documents marked on the side of the petitioner:

Ex.P1 is the photocopy of the Will and Testament dated 07.03.1981 executed by Mr. M.Aravamudha Iyengar.
Ex.P2 is the photocopy of the Sale Deed dated 27.11.1980 executed in favour of Mr. M. Aravamudha Iyengar (Compared with the original).
Ex.P3 is the computer generated death certificate of Mr. Aravamudu Iyengar.
Ex.P4 is the photocopy of the Legal heirship certificate of Mr. Aravamudu Iyengar (Compared with the original).
Ex.P5 is the computer generated death certificate of Mr. R.Parthasarathy.
Ex.P6 is the computer generated death certificate of Mr.Jayammal.
Ex.P7 is the computer generated death certificate of Mrs. Vasantha.K.
Ex.P8 is the computer generated death certificate of Mr.R.Kannan
Ex.P9 is the computer generated death certificate of Mrs.S.Jayamani.
Ex.P10 is the computer generated death certificate of Mrs.Janakavalli.P.
Ex.P11 is the computer generated death certificate of Mr.Parthasarathy.M.A.
Ex.P12 is the affidavit of assets showing the net value of the estate as Rs.84,84,000/-.
Ex.P13 is the affidavit under section 63 of BSA for the electronic documents.
Ex.P14 is the copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 06.08.2025.
Ex.P15 is the copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 14.08.2025.
Ex.P.16 is the photocopy of my Aadhaar Card (compared with the original).

List of witnesses examined on the side of the respondents : Nil

List of documents marked on the side of the respondents :Nil

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DR.A.D.MARIA CLETE, J.

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