



WEB COPY



A.No.6188 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

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

A No. 6188 of 2025

in

O.P. No. 680 of 2023

1. J.S.Durga Devi and 2 others
No.63, Gajalekshmi Street, Lakshmi Nagar, Near
Mudichuur, Tambaram, Chennai.
2. M.L.Kumari
W/o.M.B.Lokaiah, No.2, Thulasingham Street,
Perambur, Chennai 600 112.
3. A.K.Savithri
No.105, Pedariyar Koil Street, Broadway,
Chennai 600 001.

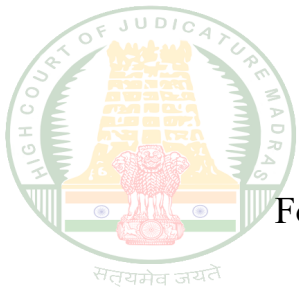
..Applicant(s)

Vs

1. T.Kodandapani and 2 others
S/o.Late T.Munuswamy, 13/125, Gangamma
Temple St., East Gudur, SPSR, Nellore 524 101.
2. T.Vijay Kanth
S/o.T.Kodandapani, at 898,18th Main 59th Cross,
Rajajinagar 5th Block, Bengaluru 560 010.
3. T.Ravichandrakant, kh
S/o.T.Kodandapani, at 898,18th Main 59th Cross,
Rajajinagar 5th Block, Bengaluru 560 010.

..Respondent(s)

Revoke the grant of Letters of Administration to the Respondents 1 to
3 herein with Will annexed by order dated 18/04/2024, passed in O.P.No.680 of
2023.



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For Applicant(s): Mr.Mohammed Rithick S for
Mr.T.M.Pappiah
B.Priya
R.Rashmi

For Respondent(s): M/s.N.Suresh for R1
M/s.K.Kannan for R2 And R3

ORDER

Heard.

2. This application has been filed by the applicants/third parties seeking revocation of the order dated 18.04.2024 made in O.P. No.680 of 2023, by which Letters of Administration with Will annexed were granted in favour of the respondents/petitioners. In the affidavit filed in support of the application, the first applicant states that the applicants are daughters of late T. Munnuswamy through T. Pakerammal @ Padmavathi, that C.S. No.760 of 2012 is already pending on the file of this Court for partition of the properties left behind by the said T. Munnuswamy, and that in the said suit the present first respondent is contesting the claim. It is their specific case that, notwithstanding the pendency of the said partition suit, the respondents 1 to 3 filed O.P. No.680 of 2023 without impleading the applicants and other sisters, and obtained the grant by suppressing the civil suit and by falsely stating that there was no other next of kin or person interested to be



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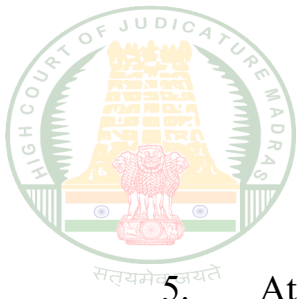
impleaded. The applicants would further state that the first respondent had not disclosed the alleged Will dated 27.12.2004 in his written statement in C.S. No.760 of 2012, and that they came to know of the grant only later during proceedings arising out of orders in the partition suit and the connected O.S.A. proceedings. On that basis, they allege fraud, suppression of material facts and defect in substance in the grant proceedings, and seek revocation under Section 263 of the Indian Succession Act.

3. The respondents resist the application by filing counter. Their stand, in substance, is that the property at Singanna Street, Chennai, had been purchased by late T. Munnuswamy under sale deed dated 21.08.1959 and was thereafter settled absolutely in favour of Tumburu Mohanamma under a registered gift deed dated 01.03.1960; therefore, according to them, the deceased Tumburu Mohanamma had absolute title to the property and was competent to execute the Will dated 27.12.2004. The respondents rely upon the registered Will, the death certificate and the typed set documents produced by them, and maintain that the earlier grant was rightly made after examining the first petitioner as P.W.1 and one attesting witness as P.W.2. Their case is that the applicants have no manner of right in the estate of Tumburu Mohanamma and are only attempting to use the pendency of C.S. No.760



of 2012 to unsettle a lawful grant. In effect, the respondents dispute the applicants' locus and contend that there was no fraud or suppression warranting revocation.

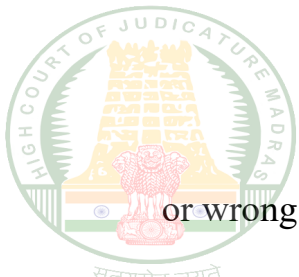
4. This court has considered the rival submissions and perused the materials. The impugned order dated 18.04.2024 shows that the Original Petition was allowed on the basis of the evidence of P.W.1 and P.W.2 and the documents marked as Exs.P1 to P5, and that this Court proceeded on the footing that there was every reason to grant Letters of Administration with Will annexed. The original petition and the proof affidavit filed in the testamentary proceedings, however, also disclose that the petitioners stated that there were no other next of kin or persons interested to be impleaded, and that no legal heir certificate was annexed on that basis; at the same time, the first petitioner himself stated that he was the son of T. Munnuswamy through Padmavathi and that Tumburu Mohanamma had no issue of her own. The present applicants assert that they too are children of the same T. Munnuswamy through Padmavathi, and that there are other daughters as well; further, they place on record the pendency of C.S. No.760 of 2012 in relation to the very same property and the first respondent's participation therein.



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5. At this stage, this Court is not called upon to decide the inter se title to the property, nor the ultimate validity or otherwise of the Will on merits. The question is narrower: whether the grant should stand when persons asserting a direct and substantial interest in the estate and in the subject property were not cited, and when the testamentary Court was not apprised of the subsisting partition litigation concerning the same property. In the considered view of this Court, the answer must be in the negative. A grant of probate or Letters of Administration is liable to be revoked for just cause, including where the proceedings to obtain the grant were defective in substance or where the grant was obtained by concealment from the Court of something material to the case. The existence of a pending partition suit concerning the same property and the existence of persons who claim to be heirs through the same source are plainly material facts. Whether those claims will ultimately succeed is a different matter; but they are not irrelevant facts that could have been withheld from the testamentary Court. Once such persons disclose a bona fide and arguable interest, they are entitled to citation and an opportunity to oppose the grant. Non-disclosure of the pending civil suit and the omission to cite the applicants and the other asserted heirs materially affected the proceedings and rendered the earlier grant vulnerable to revocation. The respondents may be right



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or wrong on title; that issue is left open. But the grant cannot be allowed to stand as though no contestable interest existed at all.

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6. Accordingly, this application is allowed. The order dated 18.04.2024 made in O.P. No.680 of 2023 granting Letters of Administration with Will annexed in favour of the respondents 1 to 3 is set aside and the said grant stands revoked. The respondents are directed to surrender the Letters of Administration issued by this court by order dated 18.04.2024 made in O.P. No.680 of 2023 within a period of two weeks from the date of receipt of a copy of this order.

7. It is made clear that this Court has not expressed any opinion on the genuineness or validity of the Will dated 27.12.2004 or on the rival title claims over the property. All such issues are left open to be decided in appropriate proceedings, including the testamentary proceedings, if revived and contested, and the pending civil suit, in accordance with law. No costs.

24-04-2026

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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