

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge, Chengalpattu.

Monday the 6th day of October, 2025

I.A.No.1/2024
in
Letter of Administration OP No.166/2024

1. G.Anitha
2. Minor Rasswanth
3. Minor Vissruth

minors are represented by their mother

G.Anitha

. . . Petitioners / Petitioners.

/Vs/

1. Vaideki
 2. Haridass
- . . . Respondents/Respondents.

This petition came up before me for final hearing on 17.9.2025, in the presence of Tvl.K.Asokan, R.Uma Gopalakrishnan and A.Vivek Yuva Gandhi, Advocates for the petitioners and Thiru.K.Raghu Raj, Advocate for the respondents, upon hearing the arguments of both side counsel, perusing the entire records and having stood over the matter for consideration till this day, this court delivers the following,

ORDER

This petition is filed under Order 6 Rule 17 of CPC, to permit the 1st petitioner / 1st petitioner to amend the petition and prayer for probate of Will instead of Letters of Administration on the file of this court.

2. The averments set out in the petition filed by the petitioners briefly read as follows :

The petitioner herein is the 1st petitioner in the main OP. She has filed the main OP for probate of Will which was executed by her deceased husband Gopalakrishnan in her favour under Section 276 of Indian Succession Act, 1925. The Will was duly notarized by an Advocate, hence it will not come under Letters of Administration. Due to the mistake of fact a typographical error occurred in the petition, the prayer was sought for proving the letter of administration before this court. Hence, it is necessary to amend the prayer and petition for probate of the Will of 1st petitioner's husband. Unless the said mistake is rectified, the petitioners will be put to serious hardship and it will not be possible for the 1st petitioner to execute the Will as the last desire of her husband will not be fulfilled. No prejudice will be caused to other side. Hence, the petition.

3. The avements set out in the counter filed by the respondents briefly read as follows :

The application filed for amendment of the original petition, completely changing the nature of relief sought in the petition, is not permissible. The reason for seeking the amendment is referred as that the

Will filed along with the application was duly notarized by an Advocate, hence, it will not come under letters of administration and the same is mistake of fact and typographical error. As a matter of fact, apparently the Will filed along with the petition appears to be manipulated and fabricated one and the petitioners trying to circumvent the legal process to give legal strength to the manipulated document by filing this application cannot be maintainable. The 2nd respondent is the mother of the deceased, she filed suit for partition and claimed her due share from her son's estate in O.S.No.550/2024 on the file of this court and denying her due share, as a counter blast, the petitioners have fabricated a Will and trying to give legal colour in support of their arbitrary gain. As such the original petition itself is not sustainable and amendment is also not permissible. Hence, prayed for dismissal of petition.

4. The point that arises for consideration is :

Whether the prayer in main OP for letters of administration has to be amended as for probate of Will?

5. On point :

Heard both sides. Perused the records. The petitioners pray to amend the main OP prayer for proving the probate of Will instead of proving the letters of administration. The reason stated by the petitioners that the Will is a notarized one and it can only be probated and the letters of administration sought for by the petitioners is purely a typographical error,

is an acceptable reason. Whereas the allegation of the respondents that the amendment sought for by the petitioner would completely change the nature of the petition and the alleged Will is a manipulated and fabricated one, are all the facts to be proved during trial in the main OP. Further the amendment prima facie would not alter the nature of case and would not cause any prejudice to the respondents. Hence, it is just and necessary to amend the main OP as prayed for by the petitioner and the petition is allowed.

6. In the result, the petition in I.A.No.1/2024 is allowed. No costs.

Typed to my dictation, corrected and pronounced by me in open court, on this the 6th day of October, 2025.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.