

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
RANIPET, RANIPET DISTRICT.

PRESENT: TMT. V. THENMOZHE, B.Sc.,M.L.,
Principal District Judge, Ranipet.

Tuesday, the 21st day of July, 2026

Prob.O.P. No.81 of 2024
(CNR No.TNRP01-000265-2024)

Tmt.N. Santhia

... Petitioner

-VS-

1. The District Collector, Ranipet District.
2. The Thasildar, Arcot.
3. The Village Administrative Officer,
Sakkaramallur,

... Respondent

This petition came up before me on 03.07.2026 for final hearing in the presence of Thiru P. Suresh, Counsel for the Petitioner and Thiru. D. Mohammed Sadhiquddin, Government Pleader for the respondent in this case and considering that no objectors appeared before this court even after effecting general publication and paper publication, on hearing the arguments on both sides, upon perusing the entire case records and having stood over for consideration till this day, this Court passes the following.

ORDER

This petition is filed by the petitioner u/s 270, 276 and 289 of the Indian Succession Act for granting the Certificate of Probate for the Will, dated 31.03.2021 executed by the deceased S. Vasantha.

Brief averments of the petition are as follows:

2. The deceased S. Vasantha, D/o.Late.Subramaniam, worked as the Government School teacher and she was retired from her service. The said S. Vasantha is an unmarried person, so she has no children. The petitioner's mother namely Tmt.Rajeshwari and the said S. Vasantha are daughters of Subramaniam. Tmt. Rajeshwari is the elder sister of the said S. Vasantha. The petitioner was adopted by the deceased S. Vasantha at the age of 10 years and the petitioner is in the care of the petitioner's adopted mother namely Miss. S. Vasantha. The petitioner completed her schooling and college in Arcot in the residence of the deceased S. Vasantha, after the petitioner's education she worked in the unit of the "BHARATH GUIDES" at Government Girls Higher Secondary School, Arcot during the period of 1988 to 1990 and the petitioner worked as the teacher in Swami Vivekananda Vidya Mandir, Arcot during the period of 18-06-1990 to 12-11-1990 and the petitioner worked in Annai Sarada Matriculation School as a teacher during the period from 1990 to May 1993. The petitioner married with one K. Boopathy on 24.06.1993 which is fixed by the

petitioner's adopted mother S. Vasantha. The deceased S. Vasantha deposited the amount of Rs.2,00,000/- in Indian Bank, Sakaramallur branch on 05.02.2014 and the amount of Rs.2,00,000/- in the same branch on 09.03.2015 and the amount of Rs.1,00,000/- in the same branch on 12.07.2018 and the amount of Rs.2,00,000/- in the same branch on 19.03.2021 and Tmt. N. Santhia is nominated as the nominee in all the deposits made by her deceased adopted mother namely S. Vasantha. The deceased S. Vasantha purchased the petition mentioned properties on 29.12.1977 from S.K. Venkatesalu, vide document No.213/1978, survey No.1078A, which consist of 1890 square feet of vacant site and constructed house, and the deceased S. Vasantha purchased another petition mentioned property on 10.02.2016 from M. Amulu and M. Gowtham, vide document No.770/2016, survey No.1078A/1B2 in that the sub divided survey No.1609/5 which consist of 1744 square feet of vacant site and another survey No.1085/2B and its new survey no is 1058/2B, which consist of 3057 square feet of vacant site and the above said two original sale deed in the hands of the petitioner. During the life time of said S. Vasantha the petitioner alone has taken care of her in all aspect. While S. Vasantha is in the good health condition, on her own willing & wishes and wantonly without the compulsion of others and only out of love and affection she had executed an unregistered will on 31.03.2021 in favour of the petitioner namely N. Santhia. After the

execution of the said will, the said S. Vasantha died on 09.05.2021. after the death of the said S. Vasantha the above mentioned will came in to force and the petitioner has been in possession and enjoyment of the petition mentioned property as absolute owner without any interruption from others. The will executed by the said S. Vasantha is the last will and the same is also acted upon. After the said S. Vasantha's death the petitioner applied before the Thalisdar, Arcot who is the 2nd respondent for getting legal heirs certificate for her adopted mother. But the 2nd respondent rejected the application by stating the reasons that they can issue legal heir certificate for the direct or first class legal heirs only. The 1st respondent is the head of the district revenue authority and the 3rd respondent is the village administrative office of Sakaramallur Village. Hence they have added as a necessary party to the proceedings and the petitioner has filed this petition for probate the will, dated:31.03.2021 in her favour.

Brief averments of the counter are as follows:

3. The several allegations made in the petition are all false and are denied. The petition is not at all maintainable either in law or on facts of the case. The relationship between the petitioner and the deceased S. Vasantha and due execution of will concern burden of proof will be lies upon the petitioner. Apart from that the petitioner applied for Legal Heirs Certificate for her adopted mother Vasantha

without any proper documents as well as any adoption concern Civil Court alone have jurisdiction to decide the relevant factors of adoption. There are no merits in the petition filed by the petitioner and the same deserves to be dismissed with costs of the respondent.

4. There is no objector appeared before this Court even after effecting general and paper publication.

5. On the side of the petitioner, P.W.1 and P.W.2 were examined and Ex.P1 to P12 were marked.

6. The point for consideration is whether the Certificate of Probate can be issued for the will, dated 31.03.2021.

POINT:

7. Petition is for probate of will dated:31.03.2021 executed by Vasantha in favor of the petitioner.

8. The case of the petitioner is that the deceased was working as Government Teacher and it is the case of the petitioner that the said Vasantha and one Rajeshwari are the daughters of Subramaniam and the petitioner was adopted by Vasantha 10 years back and the petitioner was under the care and custody of Vasantha.

9. The petitioner has further stated that the marriage of the petitioner was conducted by her adopted mother Vasantha and the school, colleges and other records have been entered the name of the deceased Vasantha as the mother of the petitioner.

10. It is the case of the petitioner that the deceased Vasantha purchased the petition mentioned property by registered sale deed and she has executed the will dated in favor of the petitioner and the same is an unregistered will.

11. The petitioner has examined as P.W.1 she has produced the Ration Card of the Vasantha as Ex.P.1 wherein the name of the petitioner has been mentioned.

12. The petitioner's marriage invitation has been produced as Ex.P.5 wherein the name of the deceased Vasantha has been mentioned. Though the petitioner has not produced any registered instrument to prove the adoption the other documents shows that the petitioner is in the care and custody of Vasantha.

13. The petitioner has produced the will executed by the said Vasantha as Ex.P.9. The same is an unregistered will dated 31.03.2021. The petitioner has produced the xerox copy of the sale deed stands in the name of the deceased Vasantha as Ex.P8 and the death certificate of the Vasantha is Ex.P10.

14. The petitioner has stated that the Thasildar has rejected the request of the petitioner for issue legal heir certificate. Hence the probate of will is very much essential. The Government has been cited as respondents and the respondents hence cross examined the P.W.1 that she has not produced any proof to establish the will. But the petitioner has proved the will as per the procedure known to law.

15. Probate of will is very much essential for the petitioner for mutation of record. To prove the cause of action, the petitioner has produced the rejection letter of the Thasildar as Ex.P.12.

16. Therefore this petition is to be decreed as prayed for by the petitioner.

In the result, this petition is allowed. Certificate of Probate of last will and testament, dated 31.03.2021 executed by the deceased Vasantha is granted in favour of the petitioner. The original will, dated 31.03.2021 is ordered to be annexed with the Certificate of Probate. Issue Certificate in the prescribed form. This petition is allowed accordingly.

Dictated to the Stenotypist, transcribed by her in computer, corrected and pronounced by me in the Open Court, this, the 21st day of July, 2026.

Principal District Judge,
Ranipet.

Witnesses examined on the side of the Plaintiff:

P.W.1 – Tmt. Santhia

P.W.2 – Thiru. Neelakandan

Exhibits marked on the side of the Plaintiff:

Ex.P1	---	Xerox copy of Aadhar Card of S. Vasantha.
Ex.P2	---	Xerox copy of the Family Card of S. Vasantha.
Ex.P3	---	Xerox copy of Aadhar Card of N. Santhia.
Ex.P4	---	Xerox copy of the service rendered by N. Santhia in various Educational Institution.
Ex.P5	24.06.1993	Xerox copy of the Marriage invitation of the petitioner
Ex.P6	---	Xerox copy of the bank deposit receipts
Ex.P7	29.12.1977	Certified Xerox copy of the sale deed stands in the name of the Vasantha.
Ex.P8	10.02.2016	Certified Xerox copy of the sale deed stands in the name of the Vasantha.
Ex.P9	31.03.2021	Original Unregistered will.
Ex.P10	29.05.2021	Xerox copy of the death certificate of S. Vasantha.
Ex.P11	19.08.2021	Xerox copy of the legal heir application filed by the petitioner before the Thasildar, Arcot.
Ex.P12	31.01.2022	Xerox copy of the Rejected application given by the Thasildar, Arcot.

Principal District Judge,
Ranipet.