

TNVR220002952024



Presented on : 25-11-2021
Registered on : 15-09-2022
Decided on : 09.07.2026

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
ARUPPUKOTTAI**

Present : **Thiru. M. VASANTHA KUMAR, M. L.,**
Additional District Judge, Aruppukottai

Thursday, the 09th day of July, 2026

Probate O.P.No.528/2022
(CNR No. TNVR220002952024)

1. Rajendran.
2. Rajeswari. ... Petitioners.

Vs

1. Suganthi.
2. Sujeetha
3. Hemalatha.
*4. Subiramani.
*5. Velumani. (**) (Died)
*6. Pandurangan. ... Respondents.

(*) (As per the order in I.A. No. 01/2023, dated 08.08.2023, the 4th to 6th respondents were added as parties.)

(Amended as per order in I.A. No. 2/2023 dated 16.10.2023.)

(Memo filed on 28.03.2025 stating that since the 5th respondent did not raise any objection to the main petition, it is not necessary to add the legal heirs of 5th respondent as parties.)

(**) (Amended as per order in I.A. No. 4/2025 dated 11.11.2025.)

This Probate petition was originally presented before Hon'ble Principal District Judge, Virudhunagar District at Srivilliputtur on 25.11.2021 and was taken on file on 15.09.2022 as Probate O.P. No. 528/2025 (after some returns) and it was transferred to the Court of Additional District Judge, Virudhunagar on 19.12.2023 as per the proceedings of Hon'ble Principal District Judge, Virudhunagar District at Srivilliputtur. in D. No. 11979/2023. Wherein this case was proceeded as Probate O.P. No. 528/2025 and during the pendency of this case before Additional District Court, Virudhunagar, on constitution of this court, this case was transferred to this court on 10.08.2024 as per the proceedings of Hon'ble Principal District Judge, Virudhunagar District at Srivilliputtur in D.No. 7001 dated 25.07.2024 and case records were received by this court on 25.09.2024 and proceeded as Probate O.P.No. 528/2025

This petition came up before me on 06.07.2026 for final hearing in the presence of Thiru. T. Rajadesingh, learned advocate for the petitioners and Thiru. K. Venkateswaran, learned advocate for respondents 1 to 4 and 5th respondent was died and 6th respondent was remained exparte and upon considering all material records in this case and having stood over till this day for consideration, this court doth deliver the following

ORDER

This petition is filed by the petitioner under Section 276 of Indian Succession Act for grant of letter of administration/probate in respect of WILL dated 14.08.2017 executed by Sulochana, W/o. Late Ganesan in favour of petitioners 1 & 2 and respondents 1 to 3 with regard to suit properties.

2. The averments of the petition in brief is as follows:

2.1 The wife of the 1st petitioner is the 2nd petitioner. The respondents 1 to 3 are the children of petitioners. Since the respondents are residing out of

town, they unable to file this petition along with the petitioners. Hence they are shown as respondents. The elder brother of the 1st petitioner is Ganesan. Sulochana is his wife. No issues were born to Ganesan and Sulochana. Ganesan was died on 27.04.2017. The petition mentioned property originally belongs to the father of 1st petitioner namely N.S. Sundaram Chettiyar. On 28.05.1997 the said Sundaram Chettiyar had executed a registered WILL in document No. 3-106-33-34-47/1997 of Sub Registrar Office, Aruppukottai dated 28.05.1997 in favour of his son Ganesan in respect of petition mentioned property. Sundaram Chettiyar was died on 16.09.1999 and the WILL came in to force and on the basis of WILL, Ganesan, who is the elder brother of 1st petitioner and husband of Sulochana, inherited the petition mentioned property. The said Ganesan died on 27.04.2017. Ganesan and Sulochana did not have any issues. Sulochana is the only legal heir of Ganesan. Hence Sulochana inherited the petition mentioned property as the sole heir of Ganesan.

2.2 After the demise of Ganesan, the petitioners and the respondents 1 to 3 taken care of Sulochana till her death. Hence on 14.08.2017, Sulochana has executed an unregistered WILL in the presence of Notary Public in favour of petitioners and respondents 1 to 3 in respect of petition mentioned property. The said Sulochana was died on 13.11.2017. After her demise, the WILL dated 14.08.2017 came in to force and on that basis the petitioners and respondents 1 to 3 inherited the petition mentioned property and enjoying the same jointly. The petitioners and respondents 1 to 3 are entitled to 1/5 shares each in the petition mentioned property. In this situation, the 1st petitioner decided to transfer his undivided 1/5 share of the property to his wife namely the 2nd petitioner and on 27-07-2021, the 1st petitioner filed settlement deed with the Aruppukottai Sub-Registrar Office for registration. However, the Aruppukottai Sub-Registrar found that the WILL filed by the petitioners was an unregistered

document and could not ascertain whether it was a genuine WILL, and hence on 27-07-2021, he returned the original settlement deed and ordered to file the deed along with appropriate documents to ascertain the authenticity of WILL. Hence this petition has been filed. The 4th and 5th respondents are the brothers of 1st petitioner. The 6th respondent is the son of 1st petitioner's sister Late Rukkumani. Hence they are impleaded as necessary party. On 27.02.2024, the 5th respondent filed a memo stating that the WILL is genuine one and with regard to the WILL he has no objection. Hence after his death, memo filed stating that there is no need to implead the heirs of 5th respondent. Hence prays to allow this petition.

3. On the side of respondents 1 to 3 memo has been filed on 24.11.2022 stating that they have no objection to this petition and consent to allow this petition. Further on the side of respondent 4 & 5, memo has been filed on 27.02.2024 stating that they have no objection to allow this petition and also admitted the fact that Sulochana, W/o. Ganesan has executed an unregistered WILL on 14.08.2017 in favour of Rajendran, Rajeswari, Suganthi, Sujitha and Hemalatha in respect of petition mentioned property and the said WILL is a genuine document.

4. On the side of petitioners, P.W. 1 to P.W. 4 were examined and Ex. P-1 to Ex. P-17 were marked. Ex. X-1 also marked. On the side of the respondents neither witnesses nor documents produced.

5. Point for Determination :

(i) Whether the Petitioners had proved that the Sulochana had executed the unregistered WILL on 14.08.2017 in favour of the Petitioners and Respondents 1 to 3 ?

(ii) Whether this petition deserves to be allowed or not ?

Heard the Counsel for Petitioner and 1st Respondent. Records perused.

6. Points i and ii :

On perusal of records it is revealed that the 2nd petitioner is the wife of 1st petitioner and the respondents 1 to 3 are the children born to the petitioners. Since the respondents 1 to 3 are residing out of town, they are arrayed as respondents. Further the 4th and 5th respondents are the own brothers of 1st petitioner and 6th respondent is the son of 1st petitioner's sister Late Rukumani. On the side of petitioners, the 1st petitioner was examined as P.W.1 and his Aadhar card was marked as Ex. P-12. In his evidence he has stated that his elder brother is Ganesan and his wife is Sulochana and they did not have any issues. Further he has stated that the petition mentioned property originally belongs to the father of 1st petitioner namely N.S. Sundaram Chettiyar and on 28.05.1997 the said Sundaram Chettiyar had executed a registered WILL in favour of his son Ganesan, who is the elder brother of 1st petitioner. The said Sundaram Chettiyar was died on 16.09.1999 and the WILL came in to force and Ganesan inherited the petition mentioned property. P.W. 1 has further stated that the said Ganesan was died on 27.04.2017 and his wife Sulochana had inherited the petition mentioned property as the sole heir of Ganesan and after the demise of Ganesan, the petitioners and the respondents 1 to 3 had taken care of Sulochana till her death. Hence on 14.08.2017, Sulochana has executed an unregistered WILL in the presence of Notary Public in favour of petitioners and respondents 1 to 3 in respect of petition mentioned property. Further he stated that Sulochana was died on 13.11.2017 and after her demise, the petitioners and respondents 1 to 3 inherited the petition mentioned property as per the WILL dated 14.08.2017 and they are entitled to 1/5 shares each in the petition mentioned property and hence, the WILL dated 14.08.2017 has to be probated.

7. On the side of petitioners to prove the case Ex. P-1 to Ex. P-16 were marked. Ex. P-1 is the original registered WILL executed by Sundaram

Chettiyar in favour of Ganesan dated 28.05.1997. Ex. P-2 is the death certificate of Sundaram Chettiyar. Ex. P-3 is the death certificate of Ganesan. Ex. P-4 is the original unregistered WILL executed by Sulochana dated 14.08.2017. Ex. P-5 and Ex. P-16 are the Property tax receipt. Ex. P-6 is the water tax receipt. Ex. P-7 is the electricity bill. Ex. P-8 is the copy of Town survey register and Ex. P-5 to Ex. P-8 and Ex. P-16 are all stands in the name of Sundaram Chettiyar. Further on the side of the petitioners, the unregistered settlement deed dated 27.07.2021 executed by 1st petitioner in favour of 2nd petitioner was produced and marked as Ex. P-9. Ex. P-10 is the return endorsement made by the Sub Registrar Aruppukottai dated 27.07.2021. Ex. P-11 is the death certificate of Sulochana. Ex. P.14 is the death certificate of 5th respondent Velumani. Ex. P-15 is the legal heir certificate of Velumani. On the basis of above documents the petitioners contended that after the death of testator Sulochana, the petitioners 1 & 2 and respondents 1 to 3 are entitled to the petition mentioned property as per Ex. P-4 WILL and hence the WILL has to be probated. It is clear from Ex. P-1 WILL, the petition mentioned property was inherited to the husband of Sulochana namely Ganesan. Further after the death of Ganesan, the petition mentioned property was belonged to Sulochana as she is the sole heir of said Ganesan. The petitioner contended that after the death of testator Sulochana, the petitioners 1 & 2 and respondents 1 to 3 are entitled to the petition mentioned property as per the WILL dated 14.08.2017, which is marked as Ex. P-4. As per Ex. P-11 death certificate of Sulochana, she was died on 13.11.2017. So if the WILL executed by Sulochana is proved, the petitioners are entitled for the letter of administration/probate.

8. The 1st Petitioner was examined as P.W. 1 and he has stated that on 14.08.2017, Sulochana has executed Ex. P-4 WILL. To prove the WILL, on the side of the petitioners P.W. 2 to P.W. 4 were examined. Among them P.W. 2 -

Subburam is one of the attestor to the WILL and his Aadhar card was marked as Ex. P-13. According to P.W. 2 - Subburam, Sulochana was under the care of petitioners and respondents 1 to 3 and she has bequeathed her property to petitioners and respondents 1 to 3 on 14.08.2017 by executing an unregistered WILL and the said Sulochana was died on 13.11.2017. According to P.W. 2 in his presence, on 14.08.2017 Sulachana has executed the Ex. P-4 WILL in a good and sound state of mind and affixed her photo on the back side of 1st page and affixed her thumb impression on it. It was seen by him and he has signed in the above WILL as 2nd witness and one Subiramanian was signed as 1st witness on it and the notary public namely Advocate T. Rajeswari also signed in the said WILL and the WILL was prepared by Veeramani. It was seen by Sulochana.

9. Further on the side of the petitioners, the scribe of the WILL dated 14.08.2017 was examined as P.W. 4. According to P.W. 4 Veeramani, on 28.05.1997, Sundaram Chettiyar has executed the WILL Ex. P-1 in favour of his son Ganesan Chettiyar and on the information given by the Sundaram Chettiyar he has prepared the WILL and after reading the WILL, Sundaram Chettiyar affixed his Thumb Impression in the WILL in his presence and in the presence of witnesses Velumani and Rajendran and the witnesses Velumani and Rajendran also signed in it. It was seen by him and Sundaram Chettiyar and he has signed as scribe. The WILL Ex. P-1 is a genuine document. Further P.W. 4 stated that on 14.08.2017, Sulochana has executed Ex. P-4 WILL in favour of Rajendran, Rajeswari, Suganthi, Sujitha, Hemalatha in respect of property, which she had inherited from her husband Ganesan. According to P.W. 4, he is the scribe of the Ex. P-4 WILL and on the date of execution of the WILL, Sulochana was in a good and sound state of mind and she has executed the WILL without any compulsion or threat and affixed her Thumb impression. It

was seen by him and the witnesses. The witnesses Subramanian and Subburam were also signed in the WILL in his presence and in the presence of Sulochana and he has signed as scribe in the presence of witnesses Subiramanian, Subburam and Sulochana. The Ex. P-4 WILL is a genuine document. The Aadhar card of P.W. 4 was marked as Ex. X-1.

10. Further on the side of the petitioner, to prove the WILL, one Saroja, who is the wife of 5th respondent Velumani, was examined as P.W. 3 and her Aadhar card was marked as Ex. P-17. According to P.W. - 3, she is the wife of 5th defendant. Further P.W. 3 has stated that originally the petition mentioned property belongs to 1st petitioner's father Sundaram Chettiyar. He has executed a registered WILL on 28.05.1997 in favour of his son Ganesan in respect of petition mentioned property. He was died on 28.05.1997 and the WILL came in to effect and her husband Velumani also signed in the above WILL as 1st witness and the Ex. P-1 WILL is the genuine document and she is known about the WILL. Further P.W. 3 stated that as per the above WILL, the husband of Sulochana namely Ganesan inherited the petition mentioned property and the said Ganesan was died on 27.04.2017 and no issue was born to Ganesan and Sulochana. Hence after the demise of Ganesan as a sole heir, Sulochana inherited the petition mentioned property. Further she has stated that after the demise of Ganesan, Sulochana was under the care of the petitioners and respondents 1 to 3 and they had taken care of Sulochana. Hence on 14.08.2017, Sulochana executed an unregistered WILL in favour of petitioners and respondents 1 to 3 in respect of petition mentioned property. Further she has deposed that Sulochana was died on 13.11.2017 and the WILL dated 14.08.2017 came in to effect and she is well known about the WILL and Sulochana has executed the WILL in a good state of mind and the above WILL is a genuine document and as per the WILL the petitioners are enjoying the

petition mentioned Property. On analyzing the evidence of P.W. 2 to P.W. 4, this court come to the conclusion that the execution of Ex. P-4 WILL is proved as per Section 68 of Indian Evidence Act and Section 63 of Indian Succession Act.

11. On the side of the respondents, respondents 1 to 3 has filed a memo stating that they have no objection to this petition and consent to allow this petition. Further respondents 4 & 5 also filed a memo stating that they have no objection to allow this petition and also admitted the fact that Sulochana, W/o Ganesan has executed an unregistered WILL on 14.08.2017 in favour of Rajendran, Rajeswari, Suganthi, Sujitha and Hemalatha in respect of petition mentioned property and the said WILL is a genuine document. No other contra evidence produced before this court to disbelieve the case of the petitioners. No other material placed before this court to show that the Ganesan and Sulochana had bequeathed the WILL mentioned property to third parties. No other rival claims were made before this court. In the absence of any other contra evidence this court does not have any reason to disbelieve the case of the petitioners. Further the petitioners had proved the execution of WILL by examining the attesting witness and scribe of the WILL as contemplated under Section 68 of Indian Evidence Act and Section 63 of Indian Succession Act. Hence this court feels that, the petitioners have proved their case through oral and documentary evidence and they are entitled for the relief of probate of the WILL dated 14.08.2017.

12. In the result, this petition is allowed granting letter of administration in favour of the petitioners in respect to the petition mentioned property of deceased Sulochana as detailed in the WILL dated 14.08.2017, which is executed by Sulochana in favour of petitioners 1 & 2 and respondents 1 to 3. No order as to costs.

Dictated by me to the steno-typist, directly typed by her, corrected and pronounced by me in open court, on this the 09th day of July 2026.

Additional District Judge,
Aruppukottai.

List of Witness on the side of the Petitioner :

P.W. 1	Rajendran
P.W. 2	Subburam
P.W. 3	Saroja
P.W. 4	Veeramani.

List of Exhibits on the side of the Petitioner:

Ex. P-1	28.05.1997	Original registered WILL executed by Sundaram Chettiyar in favour of Ganesan
Ex. P-2	10.01.2022	Death certificate of Sundaram Chettiyar
Ex. P-3	03.05.2017	Death certificate of Ganesan.
Ex. P-4	14.08.2017	Original unregistered WILL executed by Sulochana in favour of Rajendran and 4 others.
Ex. P-5	21.05.2018	Property tax receipt.
Ex. P-6	15.04.2021	Water tax receipt.
Ex. P-7	10.05.2021	Electricity Bill
Ex. P-8	07.07.2021	Copy of Town Survey Register.
Ex. P-9	27.07.2021	Unregistered settlement deed executed by Rajendran in favour of Rajeswari.
Ex. P-10	27.07.2021	Return endorsement made by the Sub Registrar

		Aruppukottai
Ex. P-11	20.11.2017	Death certificate of Sulochana
Ex. P-12	-	Copy of Aadhar card of Rajendran.
Ex. P-13	-	Copy of Aadhar card of Subburam
Ex. P-14	24.05.2024	Copy of Death certificate of Velumani
Ex. P-15	14.01.2025	Copy of Legal heir certificate of Velumani.
Ex. P-16	22.04.2025	Property tax receipt.
Ex. P-17	-	Copy of Aadhar card of Saroja.

List of Witnesses and documents on the side of the Respondents : NIL

List of Exhibits on the side of third party:

Ex. X-1	-	Copy of Aadhar card of Veeramani Rajaponnu.
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Additional District Judge,
Aruppukottai.