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O.P.No.459 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

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

OP No. 459 of 2025

E.Paramasivan
S/o. Eswaran
No - E 404, 4th Floor, Casa Grand Crescendo,
Athipattu Village,
Tiruvallur, Tamil Nadu 600 058

..Petitioner(s)

Vs

No Respondent
Nil

..Respondent(s)

that he may be permitted to prove the Will in common form and that Probate thereof having effect limited to the State of Tamil Nadu may be granted to the Petitioner Gross Amount of Rs.7,47,91,000/- Net Amount of Rs.7,47,81,000 /-. Suc.Duty of Rs.25,000/- paid on 08.09.2025 by C/F (D.NO.35243/2025)

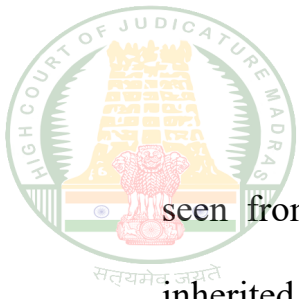
For Petitioner(s): Mr.Harishankar for M/s.D.Ganesh Raj
Mithreyi Kasthurirangan
G.Mithun Prakash.

For Respondent(s): Nil

ORDER

After carefully perusing the alleged Will, the Probate Petition and the documents produced, this Court finds that the estate involved consists of valuable immovable properties situated in Chennai, New Delhi and Chengalpattu District. It is further

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seen from the recitals in the Will that a substantial portion of the estate was inherited by the testatrix from her late husband, an Indian Police Service (IPS) Officer, and from her deceased sister. Having regard to the nature, extent and value of the properties involved, the peculiar facts of the case, and the circumstances surrounding the execution of the alleged Will, this Court is of the view that certain aspects require clarification before the petition can be proceeded with further. Accordingly, the petitioner/propounder is directed to explain the following matters.

2. The queries set out hereunder are intended to afford the propounder an opportunity to dispel the suspicious circumstances, if any, surrounding the execution and genuineness of the alleged unregistered Will before the Court proceeds to consider the prayer for grant of Probate.

3. The petitioner/Executor is directed to file an additional affidavit explaining the following circumstances and to produce supporting documents, if any:

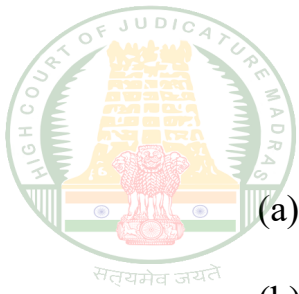


4. The alleged Will is a typed document. At page 11, it is mentioned "Drafted by: SELF". Simultaneously, the document bears only an impression of the testatrix and not her signature. The recitals of the Will disclose that the testatrix was an educated person, conversant with English. The petitioner shall explain:

- (a) In what manner the Will was "drafted by self" when the document is admittedly typed;
- (b) Whether the testatrix herself typed the Will or caused it to be typed by somebody else;
- (c) If the Will was typed by another person, furnish the particulars of such person;
- (d) Whether any draft of the Will in the handwriting of the testatrix is available.

5. The petitioner shall explain why the testatrix, who appears to have been capable of signing documents, affixed only an impression in the alleged Will.

6. The Will does not specify whether the impression found therein is that of the left thumb, right thumb, or any other finger. The petitioner shall explain:



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(a) Whose impression is found in the document;

(b) Which finger impression was affixed;

(c) Whether any contemporaneous document containing the admitted thumb impression of the testatrix is available for comparison.

7. The thumb impression found on each page of the Will appears unclear and heavily inked. Prima facie, the ridge characteristics are not distinctly visible. The petitioner shall state whether any explanation is available regarding the manner in which the impression was obtained.

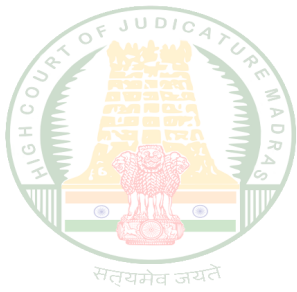
8. The alleged Will is not registered. The petitioner shall explain:

(a) Who prepared the final typed document;

(b) Where it was prepared;

(c) Who was present at the time of execution;

(d) Why registration was not considered despite the substantial value of the properties covered under the Will.



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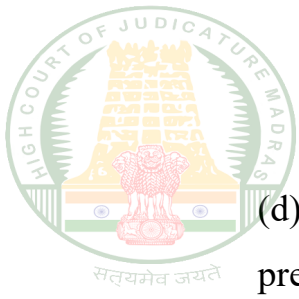
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9. The Will does not contain any specific date of execution. The opening recital merely refers to execution on a day in March 2025. However, the attesting witness appears to have mentioned the date 25.03.2025 near his signature. The petitioner shall explain:

- (a) The exact date of execution;
- (b) How the witnesses are able to identify the date of execution when the Will itself does not bear a specific date; and in the petition it is referred as undated will.
- (c) Whether any contemporaneous record exists evidencing execution on 25.03.2025.

10. At page 8 of the Will, the testatrix has appointed her Advocate, Mr. E. Paramasivan, as Executor and Trustee and described him as her Advocate. The petitioner shall state:

- (a) Since when he had been acting as Advocate for the testatrix;
- (b) The nature of legal services rendered by him;
- (c) The litigations, transactions or proceedings in which he represented the testatrix;



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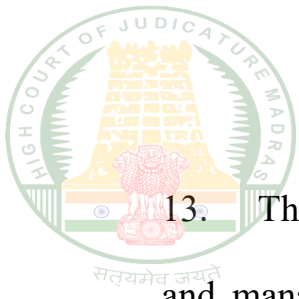
(d) Copies of pleadings, vakalatnamas, notices, legal opinions or documents prepared by him on behalf of the testatrix, if any.

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11. The petitioner shall further explain his relationship with the sole beneficiary Mr. S. Dilip Kumar and state whether he had any role in introducing the beneficiary to the testatrix or in the preparation of the Will.

12. The entire estate is bequeathed to Mr. S. Dilip Kumar, who is admittedly not a legal heir of the testatrix. The petitioner shall furnish material to show:

- (a) The duration and nature of association between the beneficiary and the testatrix;
- (b) Whether the beneficiary was residing with the testatrix;
- (c) Whether he was managing her affairs, bank accounts, investments, medical treatment or properties;
- (d) Whether any power of attorney, authorization, nomination or other document had earlier been executed in favour of the beneficiary.



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13. The Will states that the beneficiary attended to the health, financial affairs and management of the properties of the testatrix. The petitioner shall produce documentary proof in support of the said recital.

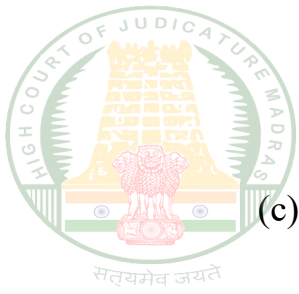
14. The testatrix states that she had cancelled the nominations made in respect of bank accounts, fixed deposits, insurance policies, shares, mutual funds and lockers.

However:

- (a) No particulars of such accounts, deposits, policies, shares, mutual funds or lockers have been furnished;
- (b) No particulars of the nominees allegedly removed have been disclosed.
- (c) The petitioner shall furnish complete particulars thereof together with supporting documents.

15. The Court finds from the recitals that substantial portions of the estate were inherited by the testatrix either through her deceased husband or through her deceased sister. The petitioner shall file a detailed genealogical tree of:

- (a) The family of the deceased husband K. Ravindran;
- (b) The family of the deceased sister Mrs. Snehalatha Bharadwaj;



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(c) The family of the testatrix.

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16. The petitioner shall specifically explain why the following persons, if alive, have not been impleaded as respondents despite having a possible caveatable interest in the estate:

(a) Heirs traceable through the branch of the deceased husband's paternal and maternal families; in particular heirs mentioned in entry VII or IX of Class II of the Schedule of Hindu Succession Act 1956.

(b) Heirs traceable through the branch of the testatrix's paternal and maternal families; ; in particular heirs mentioned in entry VII or IX of Class II of the Schedule of Hindu Succession Act 1956.

(c) Any person who would be entitled to succeed in the absence of the Will.

17. The petitioner shall further explain how the statement made in the probate petition that there is "no person interested in the estate requiring notice" was made, particularly when the properties covered under the Will are admittedly inherited properties and the existence or non-existence of collateral heirs has not been clearly disclosed.



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18. The petitioner shall produce:

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(a) Medical records of the testatrix for the period January 2025 to the date of death;

(b) The names of the doctor(s) or Hospital who treated her/where she taken treatment prior years of her demise..

19. The petitioner shall state who had custody of the original Will from the date of alleged execution till the death of the testatrix and thereafter till filing of the probate petition.

20. The petitioner shall state whether the beneficiary Mr. S. Dilip Kumar was present at the time of, execution or attestation of the Will and whether he participated in any manner in the procurement of the document.

21. It is evidenced from the will that the testatrix's sister executed a will dated 26.06.1996 bequeathing immovable property to the testatrix. The testatrix probated the will in T.O.S. or O.P. No.46 of 2004 (page No. 4 of will TEST CAS No. 46 of



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2004) hence petitioner is required to produce the Copy of the probate order in

T.O.S. No.46 of 2004; and Copy of the Will of Snehalatha Bharadwaj;

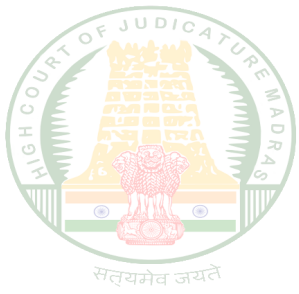
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22. The petitioner is directed to state, with supporting documents, the present status and possession of the four immovable properties described as Item Nos.1 to 4 in the Schedule to the alleged Will, namely:

- (a) Property situated at Kotturpuram, Chennai (Item No.1);
- (b) Properties situated at New Delhi (Item No.2);
- (c) Property situated at Padur, Thiruporur Taluk, Chengalpattu District (Item No.3);
- (d) Property situated at Nungambakkam, Chennai (Item No.4).

The petitioner shall specifically state:

- (i) Who is presently in physical possession and occupation of each of the above properties;
- (ii) Under what legal status such occupation is claimed, namely, whether as owner, tenant, lessee, licensee, caretaker, agent, trustee, beneficiary or otherwise;
- (iii) The period from which such person is in possession;
- (iv) Whether any rent, licence fee or other consideration is being paid in respect of such occupation;



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(v) Whether any litigation, tenancy proceedings, eviction proceedings or disputes are pending in respect of any of the said properties;

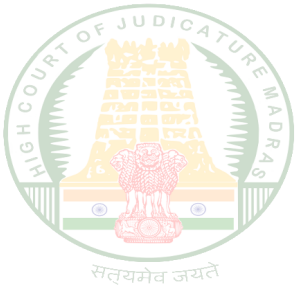
(vi) Whether the beneficiary Mr. S. Dilip Kumar is in possession or management of any of the said properties and, if so, under what authority;

(vii) Whether the deceased testatrix was in actual possession and enjoyment of the said properties till her death and, if not, the circumstances under which possession was parted with.

The petitioner shall also produce copies of revenue records, property tax receipts, electricity service records, lease deeds, licence agreements or any other documents evidencing possession and enjoyment of the aforesaid properties.

23. Prima facie, the circumstances surrounding the execution of the Will, namely:

- (i) absence of signature of the testatrix;
- (ii) use of an unclear impression;
- (iii) recital "Drafted by Self" in a typed document;
- (iv) absence of a specific execution date;
- (v) appointment of the testatrix's Advocate as Executor;
- (vi) exclusion of all-natural heirs and bequest of the entire estate to a stranger beneficiary;



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(vii) absence of particulars regarding nominees, bank accounts and movable assets,

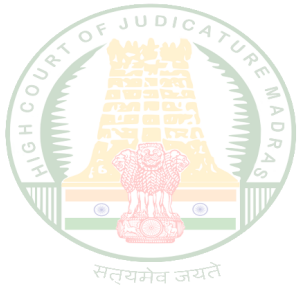
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constitute circumstances requiring satisfactory explanation by the propounder before the Will can be accepted as genuine.

24. Registry is directed to issue notice to the sole beneficiary Mr. S. Dilip Kumar to appear before this Court with identity proof on the next date of hearing and to clarify his relationship with the testatrix and the circumstances under which the alleged Will came into existence. List the matter on 19.06.2026.

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DR.A.D.MARIA CLETE, J.

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