

O.S.A.No.10000/2020

JUDGMENT

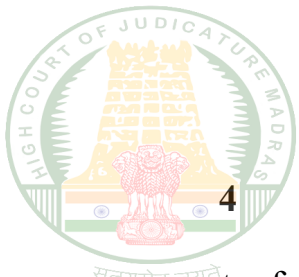
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(Judgment of the Court was made by P.VELMURUGAN, J.)

Earlier vide order dated 13.02.2020, this Court, after hearing both the counsel, dismissed the appeal, against which, the appellant herein approached the Hon'ble Supreme Court in SLP(CIVIL).No.16322 of 2022. The Hon'ble Supreme Court, vide order dated 19.02.2025, remitted the matter back to this Court for fresh consideration.

2 Accordingly, the matter was remitted and listed on various dates, but, the learned counsel for the appellant was not ready to argue the matter and hence finally on 30.03.2026, the matter was directed to be listed under the caption “for dismissal”, since for the past two hearings, the learned counsel for the appellant did not appear before this Court.

3 At last, after much efforts, both the learned counsel appeared and advanced their arguments and this Court heard the learned counsel on either side and perused the materials available on record.



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4 According to learned counsel for the appellant, the appellant purchased the property from one Saraswathi Ammal, who is the only legal heir of her husband Amirthalingam, who is the original owner of the property. The respondents filed suit in O.S.No.7057 of 2012 for cancellation of the sale deed and other reliefs, based on the Will, for which the respondents got an order of probate. In the probate proceedings, no notice was served on the said Saraswathi Ammal and she was set ex-parte. The respondents obtained letters of administration of the Will by playing fraud on the Court proceedings. Knowing fully well that the Saraswathi Ammal was staying with her brother, the respondents served notice on the last known address and got the notice returned as 'left'. The appellant, being an innocent purchaser of the property, approached the Court by way of an Application in A.No.5724 of 2015 seeking revocation of letters of administration. The learned Single Judge without any basis has come to the conclusion that the third party whose right in the property itself not properly established especially, when the suit is pending with regard to the title. In the probate proceedings, the question of title or genuinenity of transaction cannot be gone into. Therefore the letters of administration granted in favour of the respondents is deserves to be revoked.

5 On the other hand, it is the contention of the learned counsel for the



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respondents that notice served to the last known address and the Saraswathi Ammal under the influence of the ill-advice of her brother, evaded the notice and hence the respondents served notice through substitute service. The learned Single Judge also, considering the facts and circumstances, granted letters of administration. The Saraswathi Ammal was well aware of the proceeding in the probate petition, in fact, she initially filed petition to probate the Will and allowed the same to dismiss for default.

6 It is further contended by the learned counsel for the respondent that the letters of administration granted in the year 2002 and the appellant, being a 3rd party and subsequent purchaser of the property, came to the Court in the year 2015, i.e. almost after 13 years, seeking revocation of the letters of administration granted in favour of the respondents. The appellant, being a subsequent purchaser, after the demise of his vendor i.e. Saraswathi Ammal, came to the Court, disputing the grant of probate of Will. The learned Single Judge rightly granted the letters of administration and there is no valid reason to revoke the same and hence the present appeal is liable to be dismissed.

7 Admittedly Saraswathi Ammal, being the wife, is the only legal heir of the deceased Amirthalingam, who is the owner of the disputed property and they have no issues. The appellant, being a purchaser of the property from the said Saraswathi



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Ammal, aggrieved over the grant of probate of Will, filed the application seeking revocation of the letters of administration. The learned Single Judge, while dismissing the application, had discussed the facts elaborately and given reasons for the same.

8 It is seen that Saraswathi Ammal, being a beneficiary of the Will, filed a petition in O.P.No.342 of 2000 seeking probate of Will and thereafter it was dismissed for default. Hence the respondents also being the beneficiaries of the Will, filed a petition in O.P.No.610 of 2001 seeking probate of Will and the same got probated on 12.07.2002. The appellant herein, being a purchaser of the disputed property, after 13 years of grant of letters of administration, filed an Application in A.No.5724 of 2015 to revoke the letters of administration granted on 12.07.2002.

9 It is to be noted that Saraswathi Ammal died only in the year 2011 and during her life time, she did not come to the Court disputing the grant of letters of administration. After her demise, the appellant, who is a third party to the Will and the property, had filed an application seeking revocation of Will.

10 Furthermore, admittedly there was civil suit pending between the appellant and the respondent with regard to the title of the property in dispute. The respondents,



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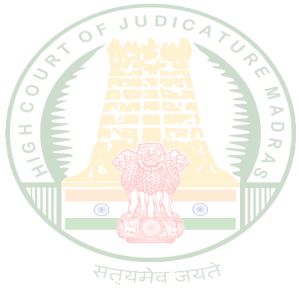
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being beneficiaries under the Will, approached the Court seeking letters of administration and the Court also granted the same, in which this Court does not find any perversity, warranting interference of this Court, especially when the Saraswathi Ammal, who is the beneficiary of the will and under whom, the appellant claiming title, during her lifetime, did not file any application to revoke the letters of administration.

11 Hence we find no merit in the Original Side Appeal and the same shall stand dismissed. Consequently connected miscellaneous petition is closed. No costs.

[PVJ] [KGTJ]
28.04.2026

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P.VELMURUGAN. J.
and
K.GOVINDARAJAN THILAKAVADI, J.

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28.04.2026