

Order QR

A. Nos. 3416, 3417, 3419 of 2026 & 4268 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.09.2026
PRONOUNCED ON : 24.09.2026

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

A. Nos. 3416, 3417, 3419 of 2026 & 4268 of 2023
in
O.P. No. 69 of 2012

A. Nos. 3416, 3417 & 3419 of 2026:

Mr.M.C.Ramamurthy (Deceased)
Son of late Chakrapani

1.Mr.M.G.C.Prabhakaran
S/o.Late Chakrapani,

Mr.M.C.Chandran (Deceased)
S/o.Late Chakrapani

Ms.M.C.Leelavathy (Deceased)
D/o.Late Chakrapani

2.Ms.Vijayalakshmi Venugopal
D/o.Late Chakrapani

3.Mr.M.C.Rajendran
S/o.Late Chakrapani

4.Mr.M.C.Vijayakumar
S/o.Late Chakrapani

5.Mr.Sunder Rajan
S/o.M.C.Sathya Bama



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6.Sumathi Mohan Kumar
D/o.M.C.Sathya Bama

7.Geetha Rajan Nair
D/o.M.C.Sathya Bama

8.Mrs.Thulasi Sugumar
W/o.M.C.Sugumar

9.Menaka Sugumar
D/o.M.C.Sugumar

(Minor rep., by her mother and natural guardian
and next friend Thulasi Sugumar 11th petitioner
herein)

10.Mrs.Seetha Balu
W/o.M.C.Balu

11.Mr.Pradeep Balu
S/o.M.C.Balu

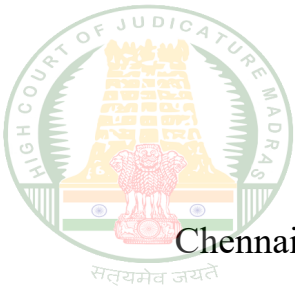
12.Praneetha Balu
D/o.M.C.Balu,
All are residing at 14/32, Club Road, 1B, Amity
Apartments, Chetpet, Chennai 600 031.

13.Sandeep Kumar
S/o.Late M.C.Ramamurthy
Residing at Flat No.S-1, 2nd Floor, Aikya, Plot
No.1, 1st Cross Street, Sairam Avenue,
Valasaravakkam,
Chennai 600 087.

..Applicant(s)

Vs

M.Rajendran (Deceased)
Honble Mr.Justice Hariparanthaman (Retd)
High Court, Madras at
No.2, First Main Road, Kamaraj Nagar,
Thiruvanmiyur,



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A. Nos. 3416, 3417, 3419 of 2026 & 4268 of 2023

..Respondent(s)

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PRAYER IN A.No.3416 of 2026: To condone the delay of 405 days in filing the application to set aside the abatement caused due to the death of the 1st Petitioner, Late Mr.M.C.Ramamurthy, in the above Application No.4268 of 2023 in the above OP.

PRAYER IN A.No.3417 of 2026: To set aside the abatement caused due to the death of the 1st Petitioner, Late Mr.M.C.Ramamurthy, in the above Application No.4268 of 2023 in the above OP.

PRAYER IN A.No.3419 of 2026: To bring on legal heir Mr.Sandeep Kumar, as applicant due to the death of the 1st Petitioner, Late Mr.M.C.Ramamurthy, in the above Application No.4268 of 2023 in the above OP.

A. No. 4268 of 2023:

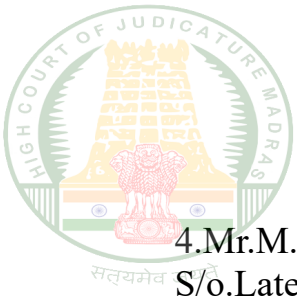
1.Mr.M.C.Ramamurthy
Son of late Chakrapani

2.Mr.M.G.C.Prabhakaran
S/o.Late Chakrapani,

Mr.M.C.Chandran (Deceased)
S/o.Late Chakrapani

Ms.M.C.Leelavathy (Deceased)
D/o.Late Chakrapani

3.Ms.Vijayalakshmi Venugopal
D/o.Late Chakrapani



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4.Mr.M.C.Rajendran
S/o.Late Chakrapani

5.Mr.M.C.Vijayakumar
S/o.Late Chakrapani

6.Mr.Sunder Rajan
S/o.M.C.Sathya Bama

7.Sumathi Mohan Kumar
D/o.M.C.Sathya Bama

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10.Menaka Sugumar
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(Minor rep., by her mother and natural guardian
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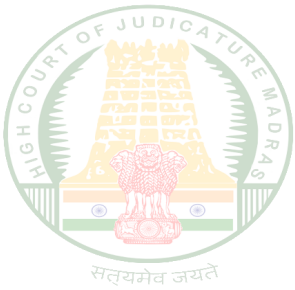
13.Praneetha Balu
D/o.M.C.Balu,

All are residing at 14/32, Club Road, 1B, Amity
Apartments, Chetpet, Chennai 600 031.

(All represented by their duly Constituted Power
of Attorney Mr.M.C.Chandran)

..Applicant(s)

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Vs

M.Rajendran (Deceased)
Honble Mr.Justice Hariparanthaman (Retd)
High Court, Madras at
No.2, First Main Road, Kamaraj Nagar,
Thiruvanmiyur,
Chennai 600 041.

..Respondent(s)

PRAYER: To condone the delay of 349 days in filing the petition to set aside the order of dismissal for non-prosecution on 29.06.2022.

For Applicant(s): M/S.M.Narayanaswamy
A.Veerassamy
B.Ram Kumar
K.Suresh Babu in all

For Respondent(s): C.Jagadish in all

COMMON ORDER

The present petition concerns the estate of one of this State's most distinguished personalities, who held an enduring place in the hearts of millions and dominated the fields of cinema and public life for nearly half a century. Though he passed away about four decades ago, his name and legacy remain vibrant in public memory. He is Dr. M.G. Ramachandran, popularly known as "M.G.R.", former Chief Minister of Tamil Nadu.

2. Before dealing with the Applications referred to above, it is necessary to briefly set out the background of the case, as it reveals how the Court's process



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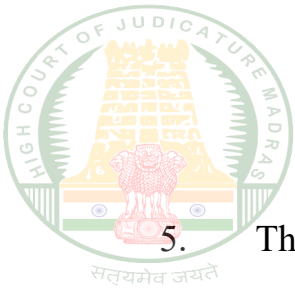
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has been taken for granted and the litigation has been kept pending indefinitely,

without any justifiable reason, partly due to lapses in the functioning of the Registry.

3. Dr M.G. Ramachandran died on 24.12.1987, leaving a Will dated 18.01.1987. This Court probated the Will in O.P. No. 388 of 1992 by order dated 14.07.1992.

4. The petitioners in O.P. No. 69 of 2012 claim through the late M.G. Chakrapani, brother of the late Dr M.G. Ramachandran. Petitioners 1 to 7 are the children of M.G. Chakrapani; petitioners 8 to 10 are his grandchildren through his daughter, Sathyabama; petitioners 11 and 12 are respectively the widow and daughter of his deceased son, M.C. Sugumar; and petitioners 13 to 15 are respectively the widow and children of his deceased son, M.C. Balu. Thus, claiming to be the legal heirs of M.G. Chakrapani and, consequently, the Class II heirs of the late Dr M.G. Ramachandran under the Hindu Succession Act, 1956, they filed the present original petition.



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5. The original petitioners filed O.P. No. 69 of 2012 seeking the grant of Letters of Administration in respect of the property described in the petition schedule, situated at Virugambakkam Village, comprised in Survey No. 255 and Town Survey No. 147. According to them, the said property is not covered by the Will dated 18.01.1987 executed by the late Dr M.G. Ramachandran, and therefore he died intestate in respect of that property. Claiming to be his Class II legal heirs, the petitioners have accordingly instituted the present petition.

6. The original petition was filed as a non-contentious proceeding. The records disclose that, after the general paper publication, the learned Master, by order dated 07.06.2012, directed that the matter be posted before the Court.

7. In the meantime, the executor appointed under the Will of the late Dr M.G. Ramachandran filed A.No.2423 of 2012, seeking to be impleaded as a respondent in O.P.No.69 of 2012. The executor contended that the late Dr M.G. Ramachandran had left no property outside the scope of his Will and, on that basis, opposed the grant of Letters of Administration.



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8. When an executor or any other person with an interest in the estate opposes

the grant of probate or Letters of Administration, whether with or without the

Will annexed, the procedure prescribed for contentious testamentary proceedings under the Original Side Rules must be followed. A person opposing the grant must ordinarily enter a caveat and file the prescribed affidavit in support. In the present case, however, the executor filed an application for impleadment as though the original petition were an ordinary civil proceeding, without adopting the procedure specifically prescribed for opposing a testamentary grant. It is also noted that the Registry numbered the impleading application and allowed it on 06.08.2012.

9. When the matter was listed before the Court on 15.10.2012, it was adjourned to 31.10.2012 to carry out an amendment, though the nature of the amendment was not indicated. On 31.10.2012, at the request of the learned counsel, stated to have appeared for the respondent, time was granted until 07.12.2012 for filing a counter.

10. After 31.10.2012, the proceedings were at a complete standstill. The matter remained unlisted for nearly nine years and resurfaced only on



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29.11.2021. The record does not disclose any reason for this prolonged

inactivity. Such unexplained disappearance of case bundles for considerable periods, particularly in testamentary proceedings on the Original Side, is a matter of serious concern and calls for administrative scrutiny.

11. On 29.11.2021, the learned counsel for the petitioners made a representation regarding the deaths of petitioners Nos. 3 and 4, which was recorded, and the matter was adjourned to 13.12.2021. On that date, at the petitioners' request, time was granted to take the necessary steps in respect of the deceased petitioners, and the matter was adjourned to 19.01.2022. On 19.01.2022, further time was granted, subject to the condition that the necessary steps be taken before the next hearing date, namely 16.02.2022, failing which the original petition would stand automatically dismissed for non-prosecution. As no steps were taken within the stipulated time, the original petition stood dismissed for non-prosecution on 16.02.2022, in terms of the self-operative conditional order dated 19.01.2022.

12. Although the original petition had already been dismissed on 16.02.2022, it was again listed before the Court on 09.06.2022. The record does not disclose how or under what authority a petition that had already been dismissed was listed. On that date, the learned counsel for the petitioners sought an extension



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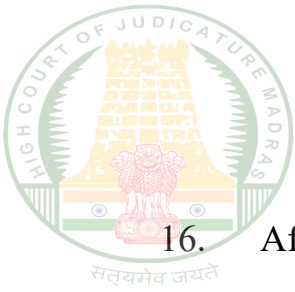
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of time to take the necessary steps. When it was brought to his attention that the original petition had already been dismissed on 16.02.2022, he undertook to take the necessary steps within two weeks.

13. Despite the earlier dismissal, the original petition was again listed on 24.06.2022. The record does not disclose the basis on which the dismissed petition was placed before the Court. On that date, the learned counsel for the petitioners reported “no instructions,” whereupon the Court directed the matter to be listed on 29.06.2022 after printing the petitioners’ names in the cause list.

14. Accordingly, the matter was listed on 29.06.2022, with the petitioners’ names and their counsel’s names printed in the cause list. As the learned counsel for the petitioners again reported “no instructions,” the Court dismissed the original petition for non-prosecution.

15. It is pertinent to note that the original petition had already been dismissed on 16.02.2022 by operation of the self-operative conditional order dated 19.01.2022 and had not thereafter been restored. Therefore, in the absence of an order restoring the original petition to file, no live proceeding remained to be dismissed again on 29.06.2022. It thus appears that a second order of dismissal was passed in respect of a petition which had already been dismissed.



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16. After considerable delay, the petitioners filed A.No.4268 of 2023 on

13.07.2023, seeking condonation of the 349-day delay in filing an application to set aside the order of dismissal for non-prosecution dated 29.06.2022. Significantly, no application has been filed to date to set aside the earlier dismissal dated 16.02.2022, which took effect under the self-operative conditional order dated 19.01.2022.

17. When A.No.4268 of 2023 was listed on 24.01.2024, the petitioners sought time to file applications to bring the legal representatives of deceased petitioners 3 and 4 on record. It appears from the memo dated 03.08.2026, filed on behalf of the petitioners, that applications bearing A.SR.Nos. 90555 and 90558 of 2023 were presented on 14.07.2023 to bring the legal representatives of the deceased petitioners on record. The Registry returned those applications for compliance with certain defects and, even thereafter, they have not been re-presented.

18. A.No.4268 of 2023 was filed without bringing on record the legal representatives of deceased petitioners 3 and 4. The original petition had earlier been dismissed precisely on account of the petitioners' failure to take the necessary steps in respect of those deceased petitioners. Nevertheless, even while seeking to set aside the subsequent order of dismissal, the petitioners



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failed to implead the legal representatives of the deceased petitioners. In that state of affairs, A.No.4268 of 2023 was periodically adjourned.

19. While matters stood thus, the son of the first petitioner, M.C. Ramamoorthy, filed A.Nos. 3416, 3417 and 3419 of 2026 on 03.08.2026, stating that the first petitioner had died on 25.01.2025. Through those applications, he seeks, respectively: (i) condonation of the delay of 405 days in filing the application to set aside the abatement in A.No. 4268 of 2023; (ii) setting aside of the abatement caused by the death of the first petitioner in that application; and (iii) his impleadment as the legal representative of the deceased first petitioner in A.No. 4268 of 2023.

20. Learned counsel appearing for the applicants submitted that the original petition came to be dismissed for non-prosecution only on 29.06.2022 and that the petitioners therein claim as Class II legal heirs of the late Dr. M.G. Ramachandran. According to the applicants, the last Will of Dr. M.G. Ramachandran did not include the petition-schedule property and, therefore, he died intestate insofar as that property is concerned.

21. Learned counsel further submitted that M.C. Chandran had acted as Power Agent and that the petitioners had independently instituted the original



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petition asserting their rights as legal heirs. It was submitted that, though the other petitioners had not subsequently appeared despite directions of this Court, the same should not defeat the claim sought to be pursued. On these grounds, learned counsel prayed that the delay and abatement be set aside and that the original petition be restored to file for adjudication on merits.

22. Learned counsel appearing for the respondent submitted that the original petition itself suffers from serious defects. According to him, all the legal heirs have not been brought on record and, therefore, the petition as framed is not maintainable. It was further submitted that the Will dated 18.01.1987 had already been probated by this Court in O.P.No.388 of 1992, whereas the present O.P.No.69 of 2012 came to be instituted nearly twenty years thereafter. On that basis, learned counsel also raised the plea of limitation with reference to Article 137 of the Limitation Act, 1963.

23. Learned counsel further submitted that the petition-schedule property had already been dealt with by the testator. According to the respondent, the property had been jointly acquired by Dr. M.G. Ramachandran and his brother and, under the partition between them, the property allotted to Dr. M.G. Ramachandran was identified as forming part of “Sathya Gardens”. It was therefore contended that the property was not ancestral property capable of



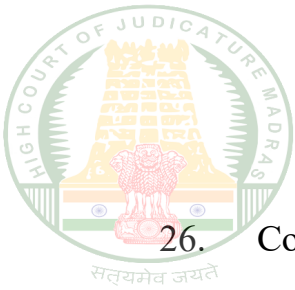
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devolving by reversion or intestate succession. It was further submitted that, pursuant to the probate granted in 1992, the executor had taken possession of and administered the estate and had also filed an inventory before this Court. Hence, according to the respondent, nothing survived for consideration in O.P.No.69 of 2012.

24. Learned counsel for the respondent consequently contended that the present attempt to revive the original petition, despite the earlier probate and administration of the estate, is misconceived, defective and amounts to an abuse of the process of Court, and that the applications are liable to be dismissed.

25. As already noted, the original petition was dismissed for non-prosecution on 16.02.2022 pursuant to the self-operative conditional order dated 19.01.2022. To date, no application has been filed to set aside that dismissal and restore the original petition to file. A.No.4268 of 2023 merely seeks condonation of a delay of 349 days in filing an application to set aside the subsequent order of dismissal dated 29.06.2022. However, as the original petition had already been dismissed on 16.02.2022 and had not thereafter been restored, there was no subsisting proceeding in which a further order of dismissal could validly have been passed on 29.06.2022. The subsequent order of dismissal is, therefore, redundant and without legal consequence.



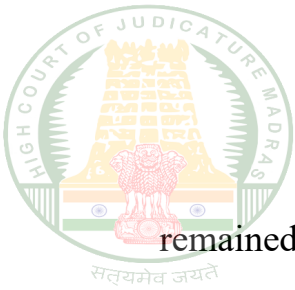
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26. Consequently, even if the delay sought to be condoned in A.No.4268 of 2023 were condoned and the subsequent dismissal dated 29.06.2022 were set aside, the earlier dismissal dated 16.02.2022 would continue to operate, leaving the original petition dismissed. A.No.4268 of 2023 is, therefore, misconceived and incapable of granting any effective relief.

27. Once A.No.4268 of 2023 is found misconceived, the consequential applications filed to condone the delay in seeking to set aside the abatement, to set aside the abatement, and to bring on record the legal representative of the deceased first petitioner in that application—namely, A.Nos.3416, 3417 and 3419 of 2026—cannot survive independently. Entertaining those applications would be a futile exercise, as no effective relief could ultimately be granted in the absence of an application to set aside the dismissal dated 16.02.2022 and to restore the original petition. Accordingly, all four applications are liable to be dismissed as not maintainable.

28. Ordinarily, when dismissing these applications, liberty could be reserved to the petitioners to file an appropriate application to set aside the dismissal dated 16.02.2022, together with the necessary ancillary applications. However, having regard to the extraordinary lapse of time and the repeated procedural defaults noted above, granting such liberty would merely prolong a proceeding that has



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remained pending, in one form or another, for several years. The testator died nearly four decades ago, and the present claim is sought to be pursued after an inordinate and largely unexplained delay. It is, therefore, considered appropriate to examine whether any legally sustainable basis exists for reviving the original petition, so that the controversy may be brought to a quietus.

29. It is also necessary to consider whether any useful purpose would be served by permitting the petitioners to seek restoration of the original petition. The foundation of their claim in O.P.No.69 of 2012 is that the property described in the petition schedule was not covered by the Will dated 18.01.1987, executed by the late Dr M.G. Ramachandran, and that he therefore died intestate in respect of that property.

30. The Administrator of the estate of the late Dr M.G. Ramachandran, in the statement filed on 14.12.2023, has asserted that the petition-schedule property forms part of the property described in the Will as “Sathya Garden,” situated in Saligramam and Virugambakkam Villages, and that it has vested in the M.G.R. School and Home for the Speech and Hearing Impaired Trust. The inventory filed before this Court has also been produced, along with the typed set of papers. At page 41 thereof, the property comprised in Survey No.255 of Virugambakkam Village is specifically mentioned. Further, Serial No.3 of the



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Will dated 18.01.1987 describes the property as the garden known as “Sathya Garden” at Saligramam. These materials establish that the petition-schedule property was included in the probated Will and was brought under the administration of the executor/Administrator.

31. Therefore, the very foundation of the original petition—that the late Dr M.G. Ramachandran died intestate in respect of the petition-schedule property—is demonstrably untenable. Once the Will covering the said property has been probated and the estate has been brought under testamentary administration, a parallel grant of Letters of Administration on the footing of intestate succession cannot be made in respect of the very same property.

32. Even assuming that the petitioners dispute the identity or inclusion of the petition-schedule property in the Will, such a dispute cannot be resolved by seeking a parallel grant on the basis of intestacy. In contrast, the earlier testamentary grant continues to operate. The petitioners must pursue the remedy available to them in law before the appropriate forum. Unless the effect of the subsisting testamentary grant upon the property is displaced in proceedings recognised by law, no Letters of Administration based on intestate succession can be granted in respect of that property. Thus, viewed from any angle, the relief sought in the original petition is unsustainable.



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33. The original petition was also filed nearly 20 years after the grant in

WEB O.P.No.388 of 1992. The petition provides no satisfactory explanation for this extraordinary delay, even though such an explanation is required under the applicable testamentary rules. This circumstance further militates against granting liberty to commence yet another round of proceedings for restoration.

34. In light of the foregoing reasons, A.No.4268 of 2023 and A.Nos.3416, 3417 and 3419 of 2026 are dismissed. No order as to costs shall be made.

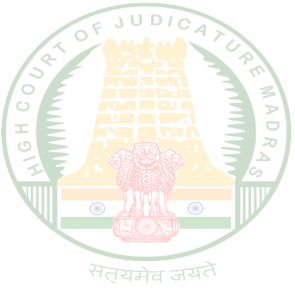
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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**PRE-DELIVERY COMMON ORDER MADE IN
A. Nos. 3416, 3417, 3419 of 2026 & 4268 of 2023
in
O.P. No. 69 of 2012**

24-09-2026

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