



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

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

OP No. 631 of 2025

1. M.Balamurali
S/o.Late Dr.Murugesan
2. M.Manohar
S/o.Late Dr.Murugesan,
3. M.Prasad
S/o.Late Dr.Murugesan,
All are residing at
No.53, Royapettah High Court,
Mylapore, Chennai - 600 004.

..Petitioners

Vs

M.Susilakumari
W/o.Late Dr.Murugesan,
No.1, Sivasankaran Street,
Rajaji Nagar, Pallavaram,
Tamil Nadu - 600 043.

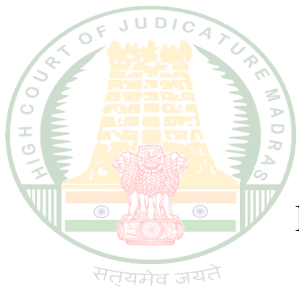
..Respondent(s)

Prayer in OP No. 631 of 2025: Original Petition has been filed under Section 232, 255 & 276 of the Indian Succession Act 1925 read with Order XXV Rule 5 of O.S.Rules praying that the Letters of Administration with the Will annexed may be granted as the petitioners 1,2 and 3 as sons of deceased Dr.Murugesan beneficiaries under the Will of deceased having effect to the State of Tamil Nadu Gross Amount Rs.1,52,38,000/- and Net Amount Rs.1,52,38,000/- Suc.duty of Rs.25,000/- paid on 02.12.2025 by e-C/F D.No.45693/2025.

OP No. 631 of 2025

For Petitioner(s):

M/s.R.Ramesh



For Respondent(s): M/s.C.H.Paranjothi

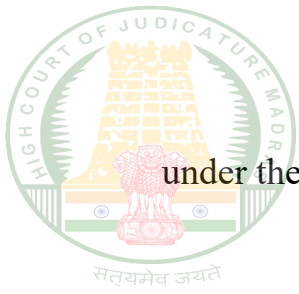
WEB COPY

ORDER

This Original Petition has been filed under Sections 232, 255 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of the Original Side Rules, seeking grant of Letters of Administration with the Will dated 15.02.2008 executed by late Dr. D. Murugesan annexed thereto.

2. The petitioners are the sons of the deceased. The respondent is stated to be his second wife. According to the petitioners, the deceased purchased two properties at Sivasankaran Street, Rajaji Nagar, Pallavaram, measuring 1,445 sq.ft. and 1,950 sq.ft. respectively, under the registered sale deeds dated 25.03.1993 bearing Document Nos.1260 and 1261 of 1993. The deceased died on 04.05.2021.

3. The petitioners state that the deceased executed a registered Will dated 15.02.2008, registered as Document No.25 of 2008 on the file of the Sub-Registrar, Pallavaram. Under the Will, a life interest was created in favour of the respondent, permitting her to enjoy the properties during her lifetime without creating any encumbrance, and after her lifetime, the properties were directed to devolve absolutely upon the petitioners. No executor was appointed



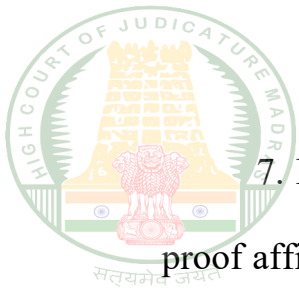
under the Will.

WEB COPY

4. The respondent entered appearance and filed a consent affidavit stating that she had no objection to the grant of Letters of Administration in favour of the petitioners. General citation was also effected in the Tamil daily “Makkal Kural” dated 18.01.2026 and in the English daily “Trinity Mirror” dated 26.01.2026. No objection was received from any person.

5. The first petitioner examined himself as P.W.1 and marked the original Will dated 15.02.2008 as Ex.P1. The sale deeds, patta, death certificate, legal heirship certificate, tax receipts, encumbrance certificate, affidavit of assets and paper publications were marked as Exs.P2 to P17. The net value of the estate has been stated as Rs.1,52,38,000/-.

6. R. Krishnakumar Ramaiyer, one of the attesting witnesses to the Will, was examined as P.W.2. He deposed that the deceased signed Ex.P1 Will in his presence and in the presence of N. Nirmala, the other attesting witness, and that both of them thereafter signed the Will as attesting witnesses. He further stated that the deceased was in a sound and disposing state of mind at the time of execution and that he had also identified the testator before the Sub-Registrar, Pallavaram.

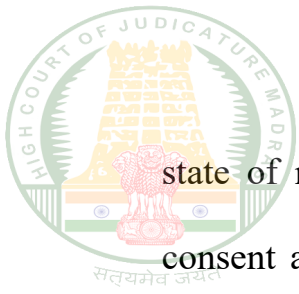


7. During scrutiny of the records, this Court noticed that the petition and proof affidavit referred to one R.M. Saraswathi as the first wife of the deceased, though she had not been arrayed as a party. Hence, by order dated 14.07.2026, the petitioners were directed to clarify her present status, the reason for not impleading her and whether the deceased had any children through the respondent.

8. Pursuant thereto, an additional affidavit has been filed stating that R.M. Saraswathi is alive, that she is the first wife of the deceased and the mother of the petitioners, and that no children were born to the deceased through the respondent. R.M. Saraswathi has also filed a sworn consent affidavit affirming that she is aware of the Will and has no objection to the grant sought for.

9. Though R.M. Saraswathi ought to have been arrayed as a party at the inception, she has now entered the proceedings, filed her consent affidavit and expressly stated that she has no objection to the grant. In view of her knowledge of the proceedings and unequivocal consent, no prejudice survives on account of her non-impleadment.

10. The original Will has been produced and its execution and attestation have been satisfactorily proved through P.W.2, one of the attesting witnesses. The evidence also establishes that the testator was in a sound and disposing



state of mind. The respondent and the first wife of the deceased have filed consent affidavits and no objection has been received pursuant to the general citation. This Court is therefore satisfied that the Will dated 15.02.2008 has been duly proved.

11. Accordingly, O.P.No.631 of 2025 is **allowed**, and Letters of Administration with the Will dated 15.02.2008 annexed thereto are granted jointly in favour of the petitioners in respect of the properties and credits of the deceased, having effect throughout the State of Tamil Nadu. The petitioners are directed to execute a security bond for a sum of Rs.25,000/ (Rupees Twenty five Thousand only) each in the name of the Assistant Registrar (Original Side) of this Court.

12. The petitioner shall file a full and true inventory of the estate within six months from the date of receipt of the Letters of Administration and shall render a true and proper account within one year thereafter. No costs.

28-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JRS



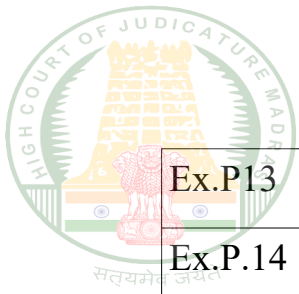
Petitioner's witness:

P.W.1 – Mr.M.Balamurali

P.W.2- Mr.Krishnakumar Ramaiyer

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 15.02.2008 executed by Dr.D.Murugesan.
Ex.P2	Certified copy of sale deed No. 1260 of 1993, dated 25.03.1993 executed in favour of Dr.D.Murugesan.
Ex.P3	Certified copy of sale deed No. 1261 of 1993, dated 25.03.1993 executed in favour of Dr.D.Murugesan.
Ex.P4	Computer generated patta dated 10.01.2020 standing in the name of Murugesan.
Ex.P5	Computer generated death certificate of D.Murugesan.
Ex.P6	Computer generated legal heirship certificate of D.Murugesan.
Ex.P7	Original property tax receipts standing in the name of D.Murugesan.
Ex.P8	Computer generated electricity receipt standing in the name of Dr.D.Murugesan.
Ex.P9	Photocopy of pension book of Murugesan D.
Ex.P10	Computer generated E.C.From 01.01.1975 to 09.03.2025.
Ex.P11	Photocopy of M.Balamurali's Aadhaar Card (compared with original)
Ex.P12	Photocopy of M.Balamurali's PAN card (compared with original)



WEB COPY



Ex.P13	Computer generated guideline value of the property.
Ex.P.14	Affidavit of assets showing the net value of the estate as Rs. 1,52,38,000/-.
Ex.P.15	Copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 18.01.2026.
Ex.P16	Copy of paper publication effected in one issue of English daily 'Trinity Mirror' dated 26.01.2026
Ex.P17	Computer generated certificate filed under Section 63(4)(C) of BSA for electronic documents.

28.07.2026

jrs



WEB COPY

OP No. 631 of 2



DR.A.D.MARIA CLETE J.

JRS

OP No. 631 of 2025

28-07-2026