



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 16TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.575 of 2017

In the matter of the Indian
Succession Act, XXXIX of 1925
and
In the matter of Last Will and
Testament of P.Dhanalaksmi
- Deceased

R.BALASUBRAMANIAN
S/o.Ramalingam
No.17, Thiruvalluvar Street,
New Lakshmipuram, Kolathur,
Chennai-600099.

..Petitioner

-Vs-

1. S.K.RAMACHANDRAN
S/o.Kachalai,
No.6/15, Santhome Colony,
Anna Nagar West extension,
Thirumangalam, Chennai-600101.

2. G.SUBRAMANI
S/o.Govindasamy
No.1209/3,
Pandid Jawaharlal Nehru Road,
Amburpetai, Vaniyambadi.

3. G.GOPI
S/o.Govindasamy
No.6, Ganesh Nagar,
Vinayagapuram,
Chennai-600099.



4. S.VIJAYA

also known as

S.Vijayalakshmi

W/o.Soundarajan

No.10A/26,

Teachers Colony Main Road,

Chennai.

5. V.PRABHAKARAN

S/o.Vedhagiri

No.1, Subramaniyar Koil 1st Street,

Rajaji Nagar, Pallavaram,

Chennai-600043.

6. P.DURAIRAJ

S/o.Perumal

No.18/1/66, J1,

Yasodha Nagar,

K.T.Road,

Tirupathi.

7. K.KUMARI

W/o.Kanniappan

No.2/60, Kannadasan Nagar,

1st Block,

Chennai-600118.

8. R.SEKAR

also known as PR.Sekar

S/o.Ramalingam

No.10, Moovandar Street,

Thiru.Vi.Ka Nagar Asthinapuram,

Chennai-600064.

9. R.LOGANATHAN

S/o.Ramalingam

No.21, Kutty street,

Perumal Petai,

Chennai-600007.



10. R.SARASWATHI

W/o.Raji

No.11, 11th Cross Street,
Saraswathi Nagar,
Thiruvottiyur, Chennai-600019.

11. R.SARAVANAN

S/o.Ramalingam

No.17, Thiruvalluvar Street,
New Lakshmipuram,
Kolathur,
Chennai-600099.

12. B.SELVAM

S/o.Balan

No.178/165, Anna Salai,
Nemili, Arakkonam-631051.

13. B.SRINIVASAN

S/o.Balan

No.178/165, Anna Salai,
Nemili, Arakkonam-631051.

14. B.KAMAL

S/o.Balan

No.178/165, Anna Salai,
Nemili, Arakkonam-631051.

..Respondents

Original Petition praying that this Hon'ble Court be pleased to grant Letters of Administration with Will annexed to the Petitioner as nephew/beneficiary under the Will of the deceased P.Dhanalakshmi to have effect throughout the State of Tamilnadu.

This Original Petition coming on this day before this court for hearing

the court made the following order:



This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2. The petitioner is the nephew of the deceased P.Dhanalakshmi, who executed a registered Will dated 03.02.2014 as Document No.4 of 2014 in the Office of Sub Registrar, Madhavaram and under the said Will, the petitioner is a beneficiary. The said P.Dhanalakshmi, died on 06.08.2015.

3. The respondents are the class-II legal heirs and the petitioner is one among the Class - II legal heirs of the deceased P.Dhanalakshmi, who died issueless. As seen from the petition, her husband also deserted her for about eight years and his whereabouts are also not known.

4. Before the learned Master, the petitioner has examined himself as a witness P.W.1 and the following documents were marked as Exhibits on the side of the petitioner.

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Computer Generated Death Certificate of P. Dhanalakshmi
Ex.P-2	Photocopy of the Sale Deed dated 26.09.1984 executed in favour of P.Dhanalakshmi
Ex.P-3	Original Will dated 03.02.2014 executed by P.Dhanalakshmi



<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-4	Consent affidavit given by the second respondent
Ex.P-5	Consent affidavit given by the third respondent
Ex.P-6	Consent Affidavit given by the fourth respondent
Ex.P.7	Consent Affidavit given by the fifth respondent
Ex.P.8	Consent Affidavit given by the Sixth respondent
Ex.P.9	Consent Affidavit given by the Seventh respondent
Ex.P.10	Consent Affidavit given by the Eighth respondent
Ex.P.11	Consent Affidavit given by the Tenth respondent
Ex.P.12	Consent Affidavit given by the Eleventh respondent
Ex.P.13	Consent Affidavit given by the Twelfth respondent
Ex.P.14	Affidavit of assets showing the net value of the estate as Rs.15,00,000/-
Ex.P.15	Copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 24.07.2021.
Ex.P.16	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 31.07.2021.
Ex.P.17	Affidavit of P.W.2

5. The respondents have also given their consent affidavits, which have been marked as Exs.P.4 to P.13 before the learned Master, confirming that they have no objection for grant of Letters of Administration in favour of the petitioner.

6. According to the petitioner, except the petitioner and the respondents, there are no other legal representatives for the deceased

P.Dhanalakshmi. The death certificate of the deceased Dhanalakshmi,



testatrix has also been marked as Ex.P.1 before the learned Master, which confirms that the testatrix died on 06.08.2015. The photocopy of the sale deed dated 26.09.1984 standing in the name of P.Dhanalakshmi, testatrix has also been marked as Ex.P.2 before the learned Master, which will confirm that the subject property was owned by P.Dhanalakshmi (deceased) which has now been bequeathed to the petitioner under the Will dated 03.02.2014. The Original Will dated 03.02.2014 executed by testatrix P.Dhanalakshmi has been marked as Ex.P.3 before the learned master. One of the attesting witnesses to the Will dated 03.02.2014 by name G. Kanniyappan executed by P.Dhanalakshmi has been examined as P.W.2 before the learned Master. He also supported the contents of the Will dated 03.02.2014.

7. This Court after giving due consideration to the pleadings as well as the evidence available on record, is of the considered view that petitioner is entitled for the issuance of Letters of Administration.

8. Accordingly, this petition is allowed. Issue Letters of Administration of the Will dated 03.02.2014 (Ex.P.3) in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner



is also directed to execute a security bond for a sum of Rs.25,000/-
(Rupees twenty five thousand only) in favour of the Assistant Registrar
(O.S.II), High Court, Madras. The petitioner is further directed to render
true and correct accounts once in a year.

Sd/.A.Q.J.
16.11.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/22.11.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the
Order/Judgment Decree in this format.