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

FRIDAY, THE 28th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE N. SESHASAYEE

TOS No. 7 of 2019
(O.P.No.451 of 2018)

In the matter of the Indian
Succession Act XXXIX of 1925;
and
In the matter of the Last Will and
Testament of S.V.Sivalinga Nadar
Deceased.

1. S.V.S.Velkumar
S/o.Late S.V.Sivalinga Nadar
No.51, Kollidam Street,
East Shanmugapuram,
Villupuram,
Villupuram District.

2. S.V.Sakthi Kumar
S/o.S.V.S.Velkumar
No.51, Kollidam Street,
East Shanmugapuram,
Villupuram,
Villupuram District.

... Petitioners/Plaintiffs

-Vs-

S.V.S.Rajkumar
S/o.Late S.V.Sivalinga Nadar
No.9, 2nd Main Road,
Karpagam Garden,
Adyar, Chennai 600 020.

... Caveator/Defendant

Testamentary Original Suit praying that this Hon'ble Court be pleased

to that Letters of Administration with the Will annexed be granted to the



petitioners as one of the sons of the deceased and Grandson, beneficiary under the Will of the deceased having effect throughout the State of Tamil Nadu.

This Testamentary Original Suit coming on this day before this Court for hearing in the presence of Ms.V.S.Manimekalai, Advocate for the plaintiffs herein and Mr.S.Packiaraj, Advocate for the defendant herein and upon reading the petition filed herein, and the other exhibits therein referred to and upon perusing the evidence adduced therein,

it is ordered as follows :-

That upon executing a security bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) in favour of the Assistant Registrar (O.S-II), High Court, Madras, within a period of (3) months as required under law, the plaintiffs herein, having complied with the rules of this Court in this behalf Letters of Administration of the property and credit of S.V.Sivalinga Nadar, deceased annexed with the Will of the said deceased to have effect limited to the State of Tamil Nadu, do issue herein out of and under the seal of this Court and the same be granted to S.V.S.Velkumar and S.V.Sakthi Kumar the plaintiffs herein.



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3. That there shall be no costs of this Suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 28th DAY OF JANUARY 2021.

Sd./-

JOINT REGISTRAR (O.S)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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of the Orders/Judgments/Decrees in this format.



07.03.2022

T.O.S No. 7 of 2019
(O.P.No. 451 of 2018)

DATED : 28.01.2022

FOR APPROVAL: 09.03.2022

<https://hcservices.ecourts.gov.in/hcservices/>



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

T.O.S.No.7 of 2019
in (O.P.No.451 of 2018)

1.S.V.S.Velkumar

2.S.V.Sakthi Kumar

...Petitioners/Plaintiffs

Vs.

S.V.S.Rajkumar

... Caveator/Defendant

Prayer: Petition is filed under Sections 232 & 276 of the Indian Succession Act.XXXIX of 1925 for the grant of Letters of Administration. Against this petition, a Caveat and supporting affidavit was filed on 12th day of October 2018 by the Caveator. As per the order of The Learned Master, dated 15th day of March 2019 in O.P.No.451 of 2018 the Original Petition has to be converted into Testamentary Original Suit.

For petitioner : Ms.V.S.Manimekalai
For respondent : Mr.S.Packiaraj

J U D G M E N T

Mr.S.Packiaraj, the learned counsel for the defendants has logged

in and made a statement that as per the instructions he has from the

respondents no objections to grant of Letters of Administration.



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2.The said statement of the learned counsel for the defendants is recorded.

3.The present application is filed for grant of Letters of Administration on a Will executed by S.V.Sivalinga Nadar dated 09.05.2014. This Will is the last Will of the Testator S.V.Sivalinga Nadar.

4.None of the defendants have filed their Written Statement and the matter is posted for recording evidence before AM - II.

5.The first plaintiff has examined himself as P.W.1 and through him the Will was marked as Ext.P.1. The propounder has also examined certain Bose, one of the attesting witness of Ex.P.1 as P.W.2.

6.This Court perused the evidence and is satisfied that Ext.P.1 Will was executed by the testator S.V.Sivalinga Nadar.

7.Mr.S.Packiaraj, the learned counsel for the defendant did not offer any resistance to grant of Letters of Administration.



8. Accordingly, the Testamentary Original Suit is decreed. The Will is declared to be genuine and the Letters of Administration is directed to be granted.

9. The plaintiffs shall execute a security bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras within a period of three (3) months as required under law. In view of the order made in the Testamentary Original Suit, the connected applications are closed. No costs.

Sd./-N.S.S.J.
28.01.2022

List of the witnesses examined on the side of the plaintiff:

PW1 – Velkumar

PW2 – Bose

List of Exhibits marked on the side of the plaintiff :

<i>Exhibits</i>	<i>Description</i>	<i>Dated</i>
Ex.P1	The Original Will (xerox copy)	09/05/2014
Ex.P2	Death Certificate of S.V.Sivalinga Nadar	02/11/2016
Ex.P3	The original Legal Heir Certificate	13/10/2017
Ex.P4	The Original Valuation Certificate	09/07/2017

Sd./- N.S.S.J.
28.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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