



O.P.No.190 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**O.P.No.190 of 2022**

Mr.S.Jayakumar Singh  
S/o. Late S.Inder Singh

... Petitioner

VS

1. Mrs.S.Nirmala Bai  
W/o.Mr.Bagvat Singh & D/o. Late S.Inder Singh

2.Miss.S.I.Gowri Bai,  
D/o. Late S.Inder Singh

3.Miss.S.Vimala Kumari,  
D/o. Late S.Inder Singh

4.J.Prasanna Kumar Singh,  
S/o.Mr.Jayakumar Singh

5.J.Thilak Kumar Singh,  
S/o.Mr.Jayakumar Singh

..Respondents

**PRAYER:** Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act 1926 under Order XXV Rule 5 of Original Side Rules of the High Court, Madras, prays that the Letters of Administration with the Will dated 27.11.2000 executed by the deceased Mr.S.Inder Singh annexed of the properties and creditors of the deceased to the Petitioner as Son/beneficiary/life interest vested under the Will of deceased and to have effect limited to the State of Tamil Nadu.



WEB COPY



O.P.No.190 of 2022

For Petitioner : M/s.V.Rajesh & R.Janagi

For Respondents : M/s.K.Seetha Ram

\*\*\*\*\*

### **ORDER**

The petitioner seeks the grant of letters of administration with the Will dated 27.11.2000 of his late father, Mr.S.Inder Singh, annexed thereto.

2. The petitioner asserts that his father executed a Will dated 27.11.2000 in the presence of two witnesses, namely, Mr.R. Kesavan and Mr.K.Inayathullah. According to the petitioner, Mr.S.Inder Singh was survived by one son, the petitioner herein, and three daughters, who are respondents 1 to 3 herein. The petitioner has also joined his two sons as respondents 4 and 5.

3. The petitioner states that the testator died on 24.08.2004 and it is further stated that his wife, Mrs.S.Sarojini Bai, pre-deceased him.

4. In order to prove the Will, the petitioner adduced evidence by examining himself as PW1. In course of the examination-in-chief of PW1, the 20 documents listed at the foot of this order were exhibited as Exs.P1 to



O.P.No.190 of 2022

P20. The original Will of Mr.S.Inder Singh (E.P3) discloses that it was executed in the presence of Mr.R.Kesavan and Mr. K.Inayathullah. The said Will was registered as Document No.91/BK/III/2000 before the SRO, Periamet, Chennai. The death certificate of Mr.S.Inder Singh (Ex.P1) discloses that he died on 24.08.2004. The legal heirship certificate in respect of Mr.S.Inder Singh specifies the names of the petitioner and respondents 2 and 3 herein as his class I legal heirs. The death certificate of the petitioner's mother, Mrs.Sarojini Bai, discloses that she died on 18.10.1996. As proof of title of the testator to the assets bequeathed under the Will, the petitioner has placed on record Exs.P5 and P6. The consent affidavits of the five respondents have been placed on record (Exs.P14 to P18). Paper publications were effected (Exs.P19 and P20).

5. The petitioner examined Mr.K.Inayathullah, one of the attesting witnesses, as PW2. He has filed a photocopy of his Aadhaar card (Ex.P21) and also filed an affidavit (Ex.P22). He deposed that the testator was a friend for about 40 years. He further deposed that he was present at the time of execution of the Will and that the testator was in a sound and disposing state of mind at the time of execution of such Will.



O.P.No.190 of 2022

6. Based on the evidence adduced by the petitioner, the Will stands duly proved. Therefore, the petitioner is entitled to the relief claimed.

7. For reasons set out above, O.P.No.190 of 2022 is allowed by granting letters of administration to the petitioner with the Will dated 27.11.2000 of Mr.S.Inder Singh annexed thereto. Such letters of administration shall have effect throughout the State of Tamil Nadu. The petitioner is directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court. The petitioner shall file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

**22.02.2023**

kal

Index : Yes / No

**Petitioner's witness:**

P.W.1 – Mr.S.Jayakumar Singh

P.W.2 – Mr.K.Iyanathullah

**Documents exhibited by the petitioners:**

<https://www.mhc.tn.gov.in/judis>



| <b><i>Exhibit No.</i></b> | <b><i>Description</i></b>                                                                                                                                                       |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                     | The original death certificate of MR.S.Inder Singh.                                                                                                                             |
| Ex.P2                     | The original Legal Heirship Certificate of Mr.S.Inder Singh.                                                                                                                    |
| Ex.P3                     | The original Will dated 27.11.2000 executed by Mr.S.Inder Singh.                                                                                                                |
| Ex.P4                     | The photocopy of the death certificate of S.Sarojinibai (Compared with the original).                                                                                           |
| Ex.P5                     | The photocopy of the Sale Deed dated 01.08.1977 executed in favour of Mr.S.Inder Singh, registered as Doc.No.419 of 1977 before the SRO, Periamet (Compared with the original). |
| Ex.P6                     | The photocopy of the Water & Swerage Tax – Cum – Water Charges/Sewerage Services Card standing in the name of MR.S.Inder Singh (Compared with the original).                    |
| Ex.P7                     | The photocopy of my Aadhaar card (Compared with the original).                                                                                                                  |
| Ex.P8                     | The photocopy of the Aadhaar card of the 1 <sup>st</sup> respondent (Compared with the original).                                                                               |
| Ex.P9                     | The photocopy of the Aadhaar card of the 2 <sup>nd</sup> respondent (Compared with the original).                                                                               |
| Ex.P10                    | The photocopy of the Aadhaar card of the 3 <sup>rd</sup> respondent (Compared with the original).                                                                               |
| Ex.P11                    | The photocopy of the Aadhaar card of the 4 <sup>th</sup> respondent (Compared with the original).                                                                               |
| Ex.P12                    | The photocopy of the Aadhaar card of the 5 <sup>th</sup> respondent (Compared with the original)                                                                                |
| Ex.P13                    | The affidavit of assets showing the net value of the estate as Rs.96,21,000/-.                                                                                                  |
| Ex.P14                    | The consent affidavit given by the 1 <sup>st</sup> respondent.                                                                                                                  |
| Ex.P15                    | The consent affidavit given by the 2 <sup>nd</sup> respondent.                                                                                                                  |
| Ex.P16                    | The consent affidavit given by the 3 <sup>rd</sup> respondent.                                                                                                                  |
| Ex.P17                    | The consent affidavit given by the 4 <sup>th</sup> respondent.                                                                                                                  |
| Ex.P18                    | The consent affidavit given by the 5 <sup>th</sup> respondent.                                                                                                                  |



O.P.No.190 of 2022

| <b><i>Exhibit<br/>No.</i></b> | <b><i>Description</i></b>                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------|
| Ex.P19                        | The copy of paper publication effected in one issue of Tamil daily “Dina Kural” dated 17.09.2022.      |
| Ex.P20                        | The copy of paper publication effected in one issue of English daily “Southern Mail” dated 24.09.2022. |
| Ex.P21                        | The photocopy of Aadhaar card of PW2                                                                   |
| Ex.P22                        | The affidavit of attesting witness of PW2                                                              |

**22.02.2023**

kal



WEB COPY



O.P.No.190 of 2022

**SENTHILKUMAR RAMAMOORTHY,J**

kal

**O.P.No.190 of 2022**

**22.02.2023**