



O.P.No.760 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 760 of 2022

1.K.Baskaran
2.Hemalatha
3.Indumathi
4.S.Indra
5.S.Jayamalini

...

Petitioners

Vs.

Subadra Kandhavel

...

Respondent

PRAYER: Original Petition filed for Letters of Administration under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956, prays that the letters of administration with the Will annexed may be granted to the 1st petitioner /Legatee beneficiary under the Will of the said Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.S.Jaganathan

ORDER

This petition has been filed for seeking the Letters of Administration in respect of the Will dated 02.01.2019 executed by one late



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S.V.Kasilingam.

WEB COPY 2.The averments in the petition are as follows:-

The property comprised in the Will-Ex.P6 dated 02.01.2019, belonged to the father of the petitioner and the respondent by name S.V.Kasilingam as his self acquired property. The said S.V.Kasilingam died on 04.07.2021 leaving behind the petitioner and the respondent as his legal heirs. During his life time S.V.Kasilingam executed a registered Will dated 02.01.2019 and bequeathed the property comprised in the Will in favour of the 1st petitioner. Since the Will came into effect after death of the S.V.Kasilingam, the petitioner has filed this petition for seeking Letters of Administration.

3. The first petitioner examined himself as PW.1 and Ex.P1 to Ex.P17 were marked through him. The second attesting witness is examined as PW.2.

4. From Ex.P7, it is seen that the wife of S.V.Kasilingam namely K.Muthurathinam died on 10.05.2020 and from Ex.P10, the computer generated death certificate, it is seen that S.V.Kasilingam died on 04.07.2021. The legal heir certificate is marked as Ex.P11 which would



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show that the petitioner and the respondent are the only legal heirs of the deceased S.V.Kasilingam. Ex.P16 and Ex.P17 are the paper publications effected in one issue of Tamil daily 'Makkal Kural' dated 18.07..2023 and another issue of English daily 'Trinity Mirror' dated 27.07.2023 and they did not attract any objectors.

5. One of the attestators of the Will by name K.C.Thangapandian has been examined as PW.2 and he has stated in his evidence that he was working in the office of the testator S.V.Kasilingam and he was well acquainted with him. He has further stated that on 02.01.2019, S.V.Kasilingam had executed the Will in his presence and as per the request of S.V.Kasilingam, he has affixed his signature as one of the attestor in the Will. He has further stated that the executant has affixed his signatures in his presence and at that point of time S.V.Kasilingam appeared to be in a sound and disposing state of mind.

6. With the above oral and documentary evidence available on record, the petitioner has proved that the Will has been proved in compliance of Section 63(c) of the Indian Succession Act and the Will has also been proved to be true and genuine in accordance with the Section 68 of the



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Indian Evidence Act. The other petitioners 2 to 5 and the respondent did not object for grant of letter of administration to the petitioner. Hence, the 1st petitioner is entitled to get the relief as prayed for.

7. Accordingly, this Original Petition is **allowed** by granting a Letter of Administration to the 1st petitioner in respect of the last Will and Testament of late S.V.Kasilingam. The 1st petitioner shall execute a 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 1st petitioner is further directed to file an inventory of assets and a statement of accounts within a period of six months and one year, respectively.

13.09.2023

jrs

Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No

**APPENDIX****Petitioner's witness:**

P.W.1 – K.Baskaran

P.W.2 – K.C.Thangapandian

Documents exhibited by the 1st petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the letter of allotment dated 12.07.2013 to Mr.S.V.Kasilingam by Member Secretary Chennai Metropolitan Development Authority (compared with original)
Ex.P2	The photocopy of the handing over/taking over report dated 27.11.2015 issued by Chennai Metropolitan Development Authority. (compared with original)
Ex.P3	The photocopy of the handing over certificate for shop Nos.G/C/9 and G/C/30 dated 12.11.2015 issued in the name of Mr.S.V.Kasilingam. (compared with original)
Ex.P4	The photocopy of the letter requesting for allotment of 13 shares of TMB dated 30.10.2012.(compared with the original).
Ex.P5	The photocopy of the reply letter dated 29.11.2012 pertaining to the said allotment of 13 shares. (compared with the original).
Ex.P6	The original unregistered Will and Testament dated 02.01.2019 executed by Mr.S.V.Kasilingam.
Ex.P7	The computer generated death certificate of Mrs. K.Muthurathinam.
Ex.P8	The office copy of the letter dated 23.11.2020 regarding request to allot the aforesaid 13 shares to the first petitioner.
Ex.P9	The photocopy of the share holding pattern in Ravi Paints and Chemicals Limited (compared with the original)



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<i>Exhibits</i>	<i>Documents</i>
Ex.P10	The computer generated death certificate of Mr.S.V.Kasilingam Nadar
Ex.P11	The computer generated legal heir certificate of Mr.S.V.Kasilingam.
Ex.P12	The original general power of attorney dated 08.03.2022 executed by Mrs.Jayamalini in favour of Mr.K.Baskaran.
Ex.P13	The photocopy of the Tamilnadu Mercantile Bank pass book bearing A/c.No.008100050178592 in respect of Mr.S.V.Kasilingam (compared with the original)
Ex.P14	The photocopy of the 1 st petitioner's Aadhaar card (compared with the original)
Ex.P15	The affidavit assets showing the net value of estate of Rs/1,76,75,739/-.
Ex.P16	The copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 18.07.2023.
Ex.P17	The copy of paper publication effected in one issue of English daily 'Trinity Mirror' dated 27.07.2023.

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