



O.P.No.530 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU  
**O.P.No.530 of 2021**

S.Selvanandam

... Petitioner

Vs

1.A.Sambasivam  
2.S.Kasthuri  
3.S.Banu  
4.S.Renuka Devi  
5.S.Balamani  
6.R.Anandhi  
7.R.Aishwariya  
8.R.Gowtham  
9.R.Aravind

... Respondents

**PRAYER:** Original Petition filed for issuance of Letters of Administration under Section 232, 255 & 276 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with the Will annexed herewith relating to the property described in the schedule hereunder, which is situated at Chennai and credits of the deceased may be granted to the petitioner as the legatee under the Will of said deceased.

For Petitioners : Mr.S.Vasudevan



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## **ORDER**

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 08.10.2003 executed by late S.Papa, who died on 20.05.2010. The petitioner is the younger son and 1<sup>st</sup> respondent is the husband (now deceased), respondents 2 to 5 are the daughters and respondents 6 to 9 are the legal heirs of the deceased son A.S.Rajendran of the testatrix. The testatrix has not appointed any one as an executor under the said Will. The petitioner being the major beneficiary under the Will, seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this Court.

2. The petitioner has been examined as P.W.1. He has produced the death certificates of the testatrix S.Papa, A.Sambasivam (husband of the testatrix), who is also the 1<sup>st</sup> respondent herein and A.S.Rajendran as Exs.P2, P3 and P4. The Original Will dated 08.10.2003 has been produced as Ex.P1, and the legal heirship certificate of the testatrix as Ex.P5. A perusal of Ex.P5 shows that the petitioner and respondents 1 to 5 are the Class-I legal heirs. The respondents 2 to 5 had expressed their consent to grant Letters of Administration in favour of the petitioner, and their consent



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affidavits are marked as Exs.P6 to P9. Despite the notice served on the respondents 6 to 9, they have not entered appearance. The petitioner has also filed an affidavit along with the acknowledgement cards received from the respondents as proof of service. Even, pursuant to the general publication that has been made regarding the claim, any objections have not been received, from the respondents herein or from any other person.

3. The petitioner has examined one Mr.Kannan, who is the second attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testatrix and its attestation by him.

4. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 08.10.2003 of the testatrix S.Papa. 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 is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Index :Yes/No

Speaking order : Yes/ No

Neutral citation : Yes/ No

**Petitioner's witness:**

P.W.1 - Mr.Selvanandam

P.W.2 – Mr.Kannan

**Documents exhibited by the petitioners:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                           |
|------------------------|---------------------------------------------------------------------------------------------------|
| Ex.P1                  | Original registered Will dated 08.10.2003 executed by Mrs.S.Papa                                  |
| Ex.P2                  | Computer generated death certificate of Mrs.S.Papa                                                |
| Ex.P3                  | Computer generated death certificate of Mr.A.Sambasivam                                           |
| Ex.P4                  | Computer generated death certificate of A.S.Rajendran                                             |
| Ex.P5                  | Computer generated legal heirship certificate of Mrs.S.Papa                                       |
| Ex.P6                  | Consent affidavit given by the 2 <sup>nd</sup> respondent                                         |
| Ex.P7                  | Consent affidavit given by the 3 <sup>rd</sup> respondent                                         |
| Ex.P8                  | Consent affidavit given by the 4 <sup>th</sup> respondent                                         |
| Ex.P9                  | Consent affidavit given by the 5 <sup>th</sup> respondent                                         |
| Ex.P10                 | Affidavit of assets showing the net value of the estate as Rs,40,00,000/-                         |
| Ex.P11                 | Copy of paper publication effected in one issue of Tamil daily “Dina Kural” dated 08.04.2022      |
| Ex.P12                 | Copy of paper publication effected in one issue of English daily “Southern Mail” dated 15.04.2022 |
| Ex.P13                 | Photocopy of the Patta dated 16.02.2006                                                           |
| Ex.P14                 | Affidavit of attesting witness Mr.Kannan                                                          |

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