



O.P.No.132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 132 of 2023

K.S.Subramanian

...

Petitioner

Vs.

1. S.Karpagavalli
2. Jayanthi Rajaram
3. Subha Sundaram
4. K.S.Ananthalakshmi
5. C.G.Annapurani

....

Respondents

Original Petition is filed under Section 232 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV, Rule-5 of Original Side Rules, 1956 to grant Letters of Administration with the Will annexed, of the property and credit of the deceased late K.S.Subramaniyam to his grandson, the petitioner herein, being the sole beneficiary under the Will of the deceased, having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.Mahima Makhija Praveen. D



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ORDER

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This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) and under Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed to the property of the deceased late K.S.Subramaniam, to his grandson, the petitioner herein, being the sole beneficiary under the Will of the deceased, having effect throughout the State of Tamil Nadu.

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

The petition mentioned property belonged to one K.Subramaniam by virtue of a sale deed dated 29.04.1988. The said K.Subramaniam had executed an unregistered Will dated 06.01.2000 by creating life interest in favour of his wife P.M.Ananthalakshmi and thereafter absolute right in respect of the property in favour of his grandson who is the petitioner herein. The respondents 1 to 3 are the daughters of the testator and the fourth respondent is the daughter of the third respondent and the fifth respondent is the daughter of the testator. K.Subramaniam died on 02.01.2001. Since the Will has come into effect, the petitioner had filed this petition seeking Letters of Administration.



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3. It is submitted by the learned counsel for the petitioner that the petitioner was not aware of the Will and he came to know about the same just recently and hence there is a delay in filing this petition.

4. The petitioner examined himself as P.W.1 and Exs. P1 to P15 were marked.

5. The Will dated 06.01.2000 has been marked as Ex.P6. Ex.P1 is the death certificate of K.Subramaniam. Ex.P2 is the legal heirship certificate of K.Subramaniam which shows that the testator had three daughters and one son. Ex.P5 is the death certificate of the P.M.Ananthalakshmi and that would show that the wife of the testator died on 13.04.2018. The respondents who are the daughters, granddaughter and daughter-in-law of the testator have also given their consent affidavit and they have been marked as Exs.P7 to P11.

6. Paper publication issued in one issue of Tamil daily “Makkal Kural” and English daily “Trinity Mirror” did not attract any objectors.



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7. One of the attestors of the Will by name K.Jayamkondan was examined as P.W.2 and he had stated in his evidence that he along with one A.R.Krishnan have attested the Will. He further stated that the testator had signed the Will in their presence and that at the time when the Will was executed, he was in sound and disposing state of mind at the time. He further stated that they have attested the Will in the presence of the testator K.S.Subramaniam.

8. With the statement of P.W.1 and P.W.2 and other documents in record, the first petitioner has proved that the Will has been executed in terms of Section 63(c) of the Indian Succession Act and its genuineness is proved in accordance with Section 68 of the Indian Evidence Act.. Since the petitioner had proved the genuineness of the Will and consent affidavits has been filed by the respondents to issue Letters of Administration in favour of the petitioner, the relief sought shall be granted.

9. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 06.01.2000 of K.S.Subramaniam annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. The petitioner is directed



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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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APPENDIX

Petitioner's witness:

P.W.1 – K.S.Subramanian

P.W.2 – K.Jayamkondan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Death certificate of K.S.Subramaniam
P2	Legal heir certificate of K.S.Subramaniam
P3	Death certificate of K.S.Sivaramakrishnan
P4	Legal heir certificate of K.S.Sivaramakrishnan
P5	Death certificate of petitioner's grandmother P.M.Ananthalakshmi
P6	Original Will dated 06.01.2000
P7	Consent affidavit of the first respondent
P8	Consent affidavit of the second respondent
P9	Consent affidavit of the third respondent
P10	Consent affidavit of the fourth respondent
P11	Consent affidavit of the fifth respondent
P12	Registered sale deed dated 29.04.1998
P13	Affidavit of assets
P14	Paper publication dated 22.07.2023
P15	Paper publication dated 29.07.2023
P16	Photocopy of Aadhar Card of P.W.2
P17	Affidavit of P.W.2

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