



O.P.No.808 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 808 of 2022

1.Drupathi Amman Temple,
Rep. By Trustee, Dr.P.N.Namasivaya,
Nungambakkam,
Chennai 600 034
and S/o.N.V.P.Pandyan,
No.33/1, Kandan Street,
Shenoy Nagar, Chennai 600 030.

2.V.Lakshmi @ Pankajalakshmi

... Petitioners

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925, read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration with certified copy of the Will annexed to the properties and credits of the deceased in favour of the petitioners who are the beneficiaries under the Will of deceased N.V.P. Pandyan, having effect throughout the whole of the State of Tamil Nadu.



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For Petitioners : M/s.G.Surya Narayanan

ORDER

The petition has been filed under Sections 232 and 276 of the Indian Succession Act, seeking Letters of Administration with respect to a Will dated 29.01.1990 executed by N.V.P.Pandyan, who died on 23.11.1999.

2. It is stated that the parents of the testator had pre-deceased him. It had been further stated that under the Will, it had been stated that the 2nd petitioner is the beneficiary till her life time and thereafter, the property should go to the 1st petitioner, Drupathi Amman Temple at Nungambakkam in Chennai, which is a private family temple. It had been stated that the Will could not be traced and certified copy of the Will was obtained only on 18.01.2019 and therefore, there was a delay in filing the petition.

3. After following due procedure, the petitioners were directed to



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tender evidence. Accordingly, Dr.P.N.Namasivaya examined himself as P.W.1. He is the trustee of Drupathi Amman Temple. He filed the certified copy of the Will dated 29.01.1990 as Ex.P2, death certificate and legal heirship certificate of N.V.P.Pandyan as Exs.P3 and P4. The document relating to the property was marked as Ex.P1. Thereafter, the petitioners had filed Application No.1283 of 2024 seeking permission to examine the son of one of the attesting witness to depose and identify the signature of his father in the Will. That petition was allowed by order 10.06.2024. Thereafter, the petitioners examined T.V.Subramani as P.W.2. He stated that he is a neighbour and that he is aware of the signature of T.A.Varadarajan, his father. He also stated that he knew about the execution of the Will by the testator.

4. Taking into consideration the nature of evidence adduced and documents produced, this Original Petition stands allowed. Letters of Administration to be granted to the petitioners in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. The petitioners are directed to execute a security bond for a



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sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court and they are 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
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APPENDIX

Petitioners' witness:

P.W.1 – Dr.P.N.Namasivaya

P.W.2 – Mr.T.V.Subramani

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 30.09.1955 executed in favour of Mr.N.V.P.Pandyan (compared with the original).
Ex.P2	Certified copy of the Will dated 29.01.1990 executed by Mr.N.V.P.Pandyan.
Ex.P3	Computer generated death certificate of Mr.N.V.P.Pandyan.
Ex.P4	Computer generated legal heir ship certificate of Mr.N.V.P.Pandyan.
Ex.P5	Computer generated death certificate of Mr.S.Muthu.
Ex.P6	Affidavit of assets showing the net value of the estate as



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<i>Exhibits</i>	<i>Documents</i>
	Rs.50,00,000/-.
Ex.P7	Copy of the paper publication effected in one issue of Tamil Daily “Dina Kural” dated 22.03.2023.
Ex.P8	Copy of the paper publication effected in one issue of English Daily “Southern Mail” dated 29.03.2023.
Ex.P9	Certificate under Section 65B of the Indian Evidence Act, 1872.

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C.V.KARTHIKEYAN,J.

Gsa

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