



This Original Petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with Will annexed with respect to the Will dated 11.07.1977 executed by Mr.A.P.Balasubramaniam, the paternal grandfather of the petitioners herein, who died on 11.01.1982. He had appointed one of his sons A.B.Raman, father of 1st to 7th petitioners as executor. However, he did not take any steps to seek probate of the Will. He died on 18.08.2020. Till his death there were disputes between his family and the family of his brother A.B.Ranganathan. After the death of both of them, the grand children united together and have filed this petition seeking Letters of Administration.

2.The reason for the delay has been stated as afore stated. The 1st respondent is the daughter of the testator and the 2nd to 6th respondents are the children of another deceased daughter, Neelayadakshi. It is stated that the 1st respondent had been served, but had taken a conscious decision not to appear before the Court. The 2nd to 6th respondents had also been served and a counsel had entered appearance, but he for some reason has also abstained



from appearing before the Court.

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3.Finally, after following due procedure, the petitioners were directed to tender evidence and accordingly, the 8th petitioner, A.R.Shankar Ganesh examined himself as PW-1. The original Will dated 11.07.1977 was marked as Ex.P1. The death certificate of A.P.Balasubramaniam was marked as Ex.P2. The death certificate of Mrs.Thiruvalanayagi, the grandmother was marked as Ex.P3. The death certificate of the two sons of the testator were marked as Exs.P4 and P6. The death certificate of their respective spouses were marked as Exs.P5 and P8. The legal heirship certificate of A.B.Raman was marked as Ex.P9. The legal heirship certificate of A.P.Balasubramaniam was marked as Ex.P10. The documents relating to the properties were marked as Exs.P11, P12 and P13.

4.The petitioner also examined as PW-2, a third party E.N.Sivakumar who claimed that he was the neighbour of the second attesting witness, E.S.Kunjithapatham. He claimed that he knew the signature of E.S.Kunjithapatham and he identified the signature in the said Will. The other attesting witness is unknown to the petitioners and therefore, they were not able to take steps to serve him or to examine him.



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5. Taking into consideration the nature of evidence recorded and particularly, in view of the fact that the respondents had taken a decision not to object, I hold there is every ground to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed to the petitioners.

6. With the above observations, this Original Petition stands allowed. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S.II) High Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

29.07.2024

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4



C.V.KARTHIKEYAN,J.

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O.P.No.178 of 2022

29.07.2024