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O.P.No.383 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.383 of 2024

1.B.Vijayaparthan

...Petitioner

VS.

1.Mrs.Ramajayem

2.B.Azhagiri

...Respondents

PRAYER: Original Petition filed under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S.Rules, praying to grant Letters of Administration with the Will annexed to the petitioner herein as the petitioner is the nephew/legatee under the Will of the deceased K.Rajendran dated 05.02.2016 having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.T.S.Baskaran

For Respondents : (For R2) – Mr.R.Silambarasan
(For R1) – Served – No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 05.02.2016 executed by late.Mr.K.Rajendran, who died on 30.07.2017. The petitioner and the 2nd



respondent are the nephews of the testator, through their father Mr.Bashyam.

The 1st respondent is the sole legal heir to testator being his wife. The testator had not appointed any executor under the Will dated 05.02.2016.

2. The petitioner submits that the testator got married to the 1st respondent but the couple did not have issues in their duration of marriage. The testator died on 30.07.2017 leaving behind the 1st respondent as his only legal heir. The petitioner submits that testator before his death had executed a Will on 05.02.2016, in which the testator had bequeathed the immovable property mentioned in Schedule 'A' of the Will in favour of 1st respondent; immovable property mentioned in Schedule 'B' of the Will in favour of petitioner and immovable property mentioned in Schedule 'C' of the Will in favour of 2nd respondent. The petitioner and the respondents named as the beneficiaries under the said will. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

3. The petitioner has examined himself as PW1 and he has produced 6 documents, which are listed as EX.P1 to Ex.P6 at the foot of the order. He had produced original registered Will dated 05.02.2016 as Ex.P2. The death



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certificate of the testator has been marked as Ex.P3. The legal heirship certificate of the testator has been marked as Ex.P4 and a perusal of the same shows that the 1st respondent is the sole legal heir of the testator. A perusal of the Ex.P2 substantiates the claims made in the petition, that the petitioner along with the respondents 1 and 2 are named as the beneficiaries to the respective immovable properties bequeathed to them as per the Ex.P2.

4. The service of notices upon the respondents 1 and 2 has been recorded as completed *vide* the order dated 08.04.2025. The learned counsel for the 2nd respondent had appeared on behalf of him and had expressed the consent of the 2nd respondent to grant the letters of administration in favour of the petitioner. In spite of the service being completed the 1st respondent chose to keep herself away from the proceedings. The general paper publications had effected and no objections were received for the same.

5. The petitioner had examined one Mr. Vaithinathasamy who is the 2nd attesting witness to the said Will as PW2. He has spoken about execution of the Will dated 05.02.2016 by the testator and its attestation by him along with the another attesting witness Mr. Alavandar and filed his affidavit as Ex.P7.



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6. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief

7. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioner, in respect of the Will dated 05.02.2016 of the testator late.Mr.K.Rajendran. 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

Petitioner's witness:

P.W.1 – Mr.B.Vijayaparthan

P.W.2 – Mr.Vaithinathasamy

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the sale deed in favour of deceased Testatrix K.Rajendran dated 27.09.1985. (Original is produced,



	compared and returned to the petitioner's counsel)
Ex.P2	Original registered Will of deceased Testatrix K.Rajendran dated 05.02.2016.
Ex.P3	Photocopy of the death certificate of deceased Testatrix K.Rajendran died on 30.07.2017. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Photocopy of the legal heir certificate of Mr.K.Rajendran dated 19.10.2017.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	Computer generated copy of the death certificate of A.Alavandar died on 07.06.2023.
Ex.P6	Affidavit of assets wherein the net value of estate is Rs.20,00,000/-
	Certificate under Section 65 B of Indian Evidence Act is filed for Ex.P5
Ex.P7	Affidavit of P.W.2
Ex.P8	Photocopy of the Aadhar card of the 2 nd attesting witness.

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