



WEB COPY

OP No. 95 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 95 of 2025

1. V.Kanniah
S/o. Late C.Venkatesan,
No.93/37, T.H.Road,
Old Washermanpet, Chennai 600 021.

2. Malliga
D/o. Late C.Venkatesan,
W/o. Vengadesulu Naidu,
No.41, V.D.Palayam, Gudiyatham,
Viludonapaliam, Vellore 632 603.

3. T.Renuka
D/o. Late C.Venkatesan,
W/o. Thirumalaiah,
Old No.5/80, New No.10, 5th Main
Road, K.K.D. Nagar, Kodungaiyur,
Chennai 600 118.

4. K.Sumathi
D/o. Late C.Venkatesan,
W/o. Kamalakannan,
No.58, KKR Nagar, 4th Avenue,
Madhavaram, Chennai 600 060.

Petitioner(s)

Vs

1. Nageswari Balaraman
First wife of Late V.Balaraman,
No.38, 1st Street, Gurushanthi Nagar,
Kavangarai, Chennai.

2.R.Nalini



D/o. Late V.Balaraman,
W/o. R.Ravi, No.38, 1st Street,
Gurushanthi Nagar, Kavangarai,
Chennai.

3.S.Kalpana
D/o.Late V.Balaraman,
W/o. V.Sasikumar,
Respondents 1 to 3 are legal heirs of
late V.Balaraman,
No.38, 1st Street, Gurushanthi Nagar,
Kavangarai, Chennai.

4.R.Suresh
S/o. Late Rajeswari,
No.3-72/1, Vellore Road, Ward No.27,
Chittoor District, Andhra Pradesh.

5.R.Ramesh
S/o. Late Rajeswari,
No.3-72/1, Vellore Road, Ward No.27,
Chittoor District, Andhra Pradesh.

6.R.Venkatesh Babu
S/o. Late Rajeswari,
No.3-72/1, Vellore Road, Ward No.27,
Chittoor District, Andhra Pradesh.
(Respondents 4 to 6 are L.R's of late
Rajeswari)

7.Saranraj.B.
S/o. Late V.Balaraman,
No.8, Gajalakshmi Colony,
Shenoy Nagar, Chennai 600 030.

8.Hari Krishnan
S/o. Late V.Balaraman,
No.8, Gajalakshmi Colony, Shenoy
Nagar, Chennai 600 030.
(Respondents 7 and 8 are L.R's of 2nd
wife of Late Vijayalakshmi)

Respondent(s)



PRAYER: Original Petition is filed under Section 232 & 276 of the Indian Succession Act & Order XXV Rule 5 of O.S. Rules, praying Letters of Administration with Certified copy of Will of the deceased C.Venkatesan to the petitioners herein are son and daughters as Legatee, under the Will of the said deceased C.Venkatesan having effect limited to the State of Tamil Nadu.

For Petitioners: Mr.Inamdar Ameenur Rahman
Salam

For Respondents: Ms.K.Priya for R1 to R8

ORDER

This Original Petition has been filed by the petitioners for grant of Letters of Administration with Certified copy of the Will of the deceased C.Venkatesan to the petitioners herein are son and daughters as Legatee, under the Will of the said deceased C.Venkatesan, having effect limited to the State of Tamil Nadu.

2. According to the petitioners, the deceased Venkatesan, who is the father of the first petitioner, one Balaraman and Rajeswari, during his life time had executed a Registered Will dated 18.10.2000. The said Venkatesan, died on 22.11.2010. The petitioners 1 to 4 are the sons and daughters of the said deceased Venkatesan. The respondents 1 to 3, 7 and 8 are the legal heirs of the said Balaraman, who is the son of the deceased Venkatesan. The respondents 4 and 5 are the legal heirs of deceased Rajeswari, who is the daughter of the



deceased Venkatesan.

WEB COP 3. The deceased Venkatesan had purchased the property from one Mohamed Fazlur Rahman, through a registered Sale Deed on 15.07.1972. Later he executed a Will dated 18.10.2000. As per the Will, after the demise of said Venkatesan, his wife, namely Saraswathi has to enjoy the property with full power of alienation. In the Will, it is stated that, if his wife had not encumbered the property, then the property must devolve upon his own children. The said Saraswathi, without encumbering the property, died on 21.10.2020 and her elder son, Balaraman died on 23.10.2021 and her daughter, Rajeswari also died on 23.10.2001. Therefore, as per the Will, the legal heirs of Venkatesan are equally entitled to the property. Hence, the petitioners have filed the present petition for the grant of Letters of Administration of the Will.

4. After serving notice to the respondents, they appeared through counsel and they also filed consent affidavit, stating that they have no objection for grant of Letters of Administration in favour of the petitioners.

5. After filing the Original Petition, this Court directed the petitioners to effect paper publication and the same was also effected. There was no objection received from any party. Thereafter, the matter was referred to learned Master



for recording evidence. Before the learned Master, on the side of the petitioner, they examined PW1 and PW2. PW1 is the first petitioner. PW2 is the attesting witness of the Will, who is aged about 80 years, due to his age, he had examined through Advocate Commissioner and also marked exhibits Ex.P1 to Ex.P17. Ex.P2 is the Registered Will dated, 18.10.2000 and PW2 is the attesting witness, who has also deposed about the execution and attestation of the Will and also identified the signature of the testator and he also stated that at the time of execution of the Will, in his presence, the testator has signed the Will, thereby, the Will has been proved in accordance with law. There is no rival claim against the grant of Letters of Administration and all the respondents are also filed consent affidavit and they also have no objection. Therefore, the petitioners are entitled to the relief as prayed for.

6. Accordingly, this Original Petition is allowed and Letter of Administration with Certified copy of the Will executed by the deceased C.Venkatesan, in favour of the petitioners, is granted.

7. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to execute a security bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



Thousand only) each in favour of the Assistant Registrar (O.S.No.II), High Court of Madras. The petitioners are further directed to render true and correct accounts once in a year.

04-12-2025

Jd
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

APPENDIX

List of Witnesses on the side of the petitioners:

PW1 : Mr.V.Kanniah
PW2 : Mr.C.L.K.Kumar

List of Documents on the side of the petitioners:

Ex.P1/15.07.1972 : Certified copy of the sale deed in favour of C.Venkatesan.
Ex.P2/18.10.2000 : Certified copy of the Registered Will
Ex.P3/09.01.2002 : Photocopy of the death certificate of R.Rajeswari
Ex.P4/26.08.2025 : Online copy of the death certificate of C.Venkatean
Ex.P5/18.09.2014 : Photocopy of the legal heir certificate of C.Venkatesan
Ex.P6/16.08.2021 : Online copy of the death certificate of Saraswathi



- Ex.P7/07.12.2020 : Online copy of the legal heir certificate of R.Rajeswari
- Ex.P8/22.10.2021 : Online copy of the legal heir certificate of Saraswathi
- Ex.P9/29.10.2021 : Online copy of the death certificate of Balaraman.
- Ex.P10/12.01.2022 : Online copy of the legal heir certificate of deceased Balaraman
- Ex.P11/11.03.2024 : Online copy of the death certificate of Vijayalakshmi
- Ex.P12/20.12.1991 : Photocopy of the birth certificate of Vijayalaskhmi's son Saranraj
- Ex.P13/26.08.2025 : Online copy of the birth certificate of Vijayalakshmi's second son Harikrishnan
- Ex.P14// : Aadhar card of the 1st petitioner V.Kanniah
- Ex.P15// : Aadhar card of the 2nd petitioner Malliga
- Ex.P16// : Aadhar card of the 3rd petitioner T.Renuka
- Ex.P17// : Aadhar card of the 4th petitioner K.Sumathi
- Ex.C1/20.07.2025 : Paper publication in the Tamil daily "Malai Murasu"
- Ex.C2/12.07.2025 : Paper publication in the English daily "Trinity Mirror"

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