



O.P.No.662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.08.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.662 of 2024

1.Mrs.B.Vijayasri
2.Mrs.B.Leela
3.B.Ananda Kumar

...Petitioners

VS.

Mr.B.Ramakrishnan

...Respondent

PRAYER: Original Petition filed under Section 232 & 276 of Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S. Rules, praying to grant Letters of Administration with the Will annexed, for the properties and credits of the deceased, to the 3rd petitioner as Son/Beneficiary under the Will of the deceased, to have effect limited to the State of Tamil Nadu.

For Petitioners : Mr.B.Dinesh Kumar

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in favour of the 3rd petitioner in respect of the Will dated 10.02.2023 executed by Mrs.Lalitha, who died on 10.04.2023. The petitioners 1 to 3 and the sole respondent are legal heirs of the testatrix.



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2. The petitioners submit that the testatrix was married to one

Mr.B.Balakrishnan who predeceased her on 18.08.1990, the couple had begotten the petitioners 1 to 3 and the sole respondent as their children in the duration of their marriage. The petitioners submit that two immovable properties were absolutely devolved upon their father Mr.B.Balakrishnan under settlement deeds dated 26.05.1970, 27.05.1971 and 11.11.1981. The petitioners further submit that their father Late.Mr.Balakrishnan died on 18.08.1990, leaving behind his wife, the testatrix herein and his children, who are the petitioners 1 to 3 along with the sole respondent as his only legal heirs. The aforesaid legal heirs of Late.Mr.B.Balakrishnan are entitled to 1/5th share each from the immovable properties stated supra, which are owned by him. The petitioner assert that the testatrix prior to her demise had executed a Will dated 10.02.2023, through which she had bequeathed her 1/5th share in each of the immovable properties, morefully described as Item No.1 and Item No.2 in the schedule of the petition, in favour of her youngest son, the 3rd petitioner herein. Therefore the 3rd petitioner as the sole beneficiary named in the Will dated 10.02.2023, seeks the Letters of Administration in respect of the properties situated within the jurisdiction of this court.

3. The third petitioner has examined himself as PW1. He had produced 14 documents in support of his deposition which are listed as

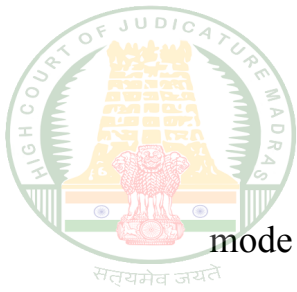


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Ex.P1 to Ex.P14 at the foot of the order. The original Will dated 10.02.2023 executed by the testatrix was marked as Ex.P1. The computer generated death certificate of the testatrix has been marked as Ex.P2. The certified copy of the Settlement Deeds dated 26.05.1970, 27.05.1971 and 11.11.1981 are marked as Ex.P3, Ex.P4 and Ex.P5 respectively. The computer generated death certificate of Late.Mr.B.Balakrishnan, the husband of the testatrix has been marked as Ex.P7. The perusal of the Ex.P1 clearly substantiates the claims made in the petition, that the 3rd petitioner is the sole beneficiary named in the Will dated 10.02.2023 executed by the testatrix. The general paper publication has been effected and no objection have been received for the same.

4. The petitioner has examined Mr.R.Praveen and Mr.Ravindranath, who are the first and second attesting witnesses to the said Will as PW2 and PW3. They have spoken about the execution of the Will by the testatrix and its attestation by them. They have further identified the signature of the testatrix in the original Will dated 10.02.2023 marked as Ex.P1 and have marked their affidavits as Ex.P14 and Ex.P16 respectively.

5. According to the order dated 08.04.2025, the Service of notice upon the sole respondent has been completed through the substituted



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mode of paper publication. Inspite of the service being completed the sole respondent chose to keep himself away from the proceedings.

6. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the 3rd 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 third petitioner, having effect limited to the State of TamilNadu, in respect of the Will dated 10.02.2023 executed by the testatrix Late.Mrs.Lalitha. The 3rd 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 3rd 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.Ananda Kumar

P.W.2 – Mr.R.Praveen



P.W.3 – Mr.Ravindranath

Documents exhibited by the petitioners:

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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 10.02.2023 executed by the mother.
Ex.P2	Computer generated copy of the Death Certificate of Mrs.Lalitha dated 10.04.2023.
Ex.P3	Certified Copy of the Settlement Deed dated 26.05.1970 U/Doc.No.2147/197.
Ex.P4	Certified Copy of the Settlement Deed dated 27.05.1971 U/Doc.No.2450/1971.
Ex.P5	Copy of the Settlement Deed dated 11.11.1981 U/Doc.No.5176/1981.
Ex.P6	Computer generated copy of the Legal Heir Certificate of Late Mrs.Lalitha dated 12.05.2023.
Ex.P7	Computer generated copy of the Death Certificate of the husband of Mrs.Lalitha, and the father of the petitioners and the respondent namely Mr.B.Balakrishnan dated 18.08.1990.
Ex.P8	Photocopy of the acknowledgment of Loan for Rs.20 Lakhs dated 22.07.2010.
Ex.P9	Photocopy of the acknowledgment of Loan for Rs.15 Lakhs dated 06.08.2015.
Ex.P10	Photocopy of the acknowledgment of Loan for Rs.25 Lakhs dated 19.12.2019.
Ex.P11	Photocopy of the Promissory Note for Rs.6,00,000/- dated 31.12.2022.
Ex.P12	Photocopy of the Promissory Note for Rs.24,00,000/- dated 10.02.2023.
Ex.P13	Photocopy of the Medical Bills of the deceased Mrs.Lalitha dated 10.04.2023.(Original produced, compared and returned)
Ex.P14	Affidavit of P.W.2.
Ex.P15	Photocopy of Aadhar Card of P.W.2(Compared with original)
Ex.P16	Affidavit of P.W.3.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P17	Photocopy of Aadhar card of P.W.3.(Compared with original)
	Section 65B affidavit filed for the computer generated copies Ex.P2, P6 and P7.

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