



WEB COPY

O.P.No.227 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.03.2025**

CORAM

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

**O.P.No.227 of 2024**

1.N.J.Ramesh  
2.N.J.Suresh  
3.Asha Janarthan

...Petitioners

vs.

Shilpa J Suresh

...Respondent

**PRAYER:** Original Petition filed under Section 232 & 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of the O.S.Rules, praying that this Hon'ble Court may be pleased to grant Letters of Administration with Registered Will dated 05.10.2020 annexed of the properties and credits of the Late Bharathi Janarthan, in favour of the petitioners as sons and daughter/beneficiaries/legatees under the will of deceased, having effect throughout the Union of India and thus render justice.

For Petitioners : Mr.Kishore Balasubramanian

For Respondent : Ms.Aishwarya Nathan

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 05.10.2020 executed by late.Bharathi Janarthan, who died on 20.05.2021. The petitioners are the children of the Testatrix and the respondent is the grandchildren of the testatrix through her son who is the second petitioner herein and they are the only surviving legal heirs of the testatrix. The husband of the testatrix predeceased her. The petitioners and the respondent are the beneficiaries under the said will. The testatrix did not appoint an executor under the Will. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The first petitioner has examined himself as PW1. He has produced the death certificate of the Testatrix as Ex.P1. The Computer generated legal heir certificate of testatrix as Ex.P2. The Original registered Will dated 05.10.2020 as Ex.P6. The paper publication have been made and marked as Ex.P9 and Ex.P10. No objection has been received from any person. The learned counsel for the respondent had filed the consent affidavit to grant letters of administration in favour of the petitioners.



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3. The petitioner has examined Mr.Jebasingh, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him and has marked his affidavit as Ex.P11.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are entitled to the relief.

5. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners, in respect of the Will dated 05.10.2020 of the testatrix late.Bharathi Janarthan. The petitioners are 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 petitioners 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

**Petitioner's witness:**

P.W.1 - Mr.N.J.Ramesh

P.W.2 – Mr.Jebasingh

**Documents exhibited by the petitioners:**

| Exhibits | Documents                                                                                                                                            |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex. P1   | Computer generated death certificate of Mrs. Bharathi Janarthan.                                                                                     |
| Ex. P2   | Computer generated legal heir certificate of Mrs. Bharathi Janarthan.                                                                                |
| Ex. P3   | Photocopy of sale deed dated 30.11.1983 executed in favour of Mrs. J. Bharathi (Compared with the original)                                          |
| Ex. P4   | Photocopy of sale deed dated 18.06.2009 executed in favour of Mrs. Bharathi Janarthan (Compared with the original)                                   |
| Ex. P5   | Photocopy of partition deed dated 16.10.1970 entered into between Dr. N.B. Janarthan as the 1st party and Dr. S. Lakshmi Narayanan as the 2nd party. |
| Ex. P6   | Original registered Will dated 05.10.2020 executed by Mrs. Bharathi Janarthan.                                                                       |
| Ex. P7   | Affidavit of assets showing net value of the estate as Rs. 2,41,49,500/-                                                                             |
| Ex. P8   | Affidavit under Section 65 B of the Indian Evidence Act, 1872.                                                                                       |
| Ex. P9   | Copy of the paper publication effected in one issue of English Daily 'Trinity Mirror' dated 09.11.2024.                                              |
| Ex. P10  | Copy of paper publication effected in one issue of Tamil Daily 'Makkal Kural' dated 18.11.2024.                                                      |
| Ex.P11   | My affidavit.                                                                                                                                        |
| Ex.P12   | Photocopy of my Aadhaar Card (Compared with the original)                                                                                            |

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