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O.P.No: 361



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.04.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.361 of 2024

R.Suriyakumari

... Petitioner

Vs

1. R.Janardhanam
2. A.P.Jayanthi
3. D.RameshBabu
4. D.RajeshBabu
5. P.Gunasundari
6. S.Preetha
7. P.Rajmohan
8. P.Ravishankar

... Respondents

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 to grant Letters of Administration with Will annexed may be granted to the petitioner being the beneficiary under the Will of the said deceased having having effect throughout the State of Tamil Nadu and pass such further or other orders.



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For Petitioner : Mr.M.Kamala Kannan

For Respondents : Ms. A.Sumathi for R1 to R3

No Appearance for R4 to R8

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 06.10.1994 executed by late R.Sugantha.

2. The petitioner is the sister of the testatrix; the first respondent is the brother of the testatrix; the second respondent is the niece of the testatrix through her deceased sister Devaki; the respondents 3 & 4 are the legal heirs of the deceased sister Komala; respondents 5, 7 & 8 are the legal heirs of the testatrix deceased brother R.Ponnurangam and the 6th respondent is the niece of the testatrix through her another brother.

3. In spite of notice had been satisfactorily served on the respondents, the respondents had kept themselves away from the proceedings.

4. The petitioner had stated that the testatrix had executed a Will bequeathing the property in favour of her sister R.Chandra and in the event of her, dying unmarried, the property would devolve upon her sister R.Devaki, R.Komala and



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R.Suriyakumari. The petitioner had further asserted that the said Chandra had died as a spinster on 10.12.2016 even before the testatrix passed away. She would further submit that R.Devaki and R.Komala pre-deceased both the testatrix and the original beneficiary R.Chandra. The testatrix has also appointed one Padmanaban as an executor who also pre-deceased testatrix.

5. To substantiate the claim, the petitioner had examined herself as PW1 and had produced various documents which has been marked as Exs.P1 to P17. A perusal of Ex.P1 would indicate that the testatrix had bequeathed the property in favour of her sister R.Chandra and in the event of her not getting married during her lifetime and if the property is as such, the property would vest with her sister R.Komala, R.Devaki and the petitioner herein.

6. It is to be noted that the sisters of the testatrix R.Chandra, R.Devaki and R.Komala all pre-deceased the testatrix as evidenced under Ex.P4, P7 & P8. The petitioner had also filed the consent affidavits of the respondents 2 to 4 as Ex.P12 to P14 and had also marked the general paper publication under Ex.P15. It is also to be noted that pursuant to the general publication effected under Ex.P15, there has been no objection from any. A perusal of Ex.P5, legal heirship certificate of one Ragupathy, the father of the testatrix proves that the petitioner is the sister of the testatrix. The petitioner had examined on Elumalai who was the second attesting



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witness of the Will under Ex.P1 as PW2. The PW2 had categorically spoken about the execution of the Will by the testatrix and the attestation by him as well as the first attesting witness and had marked as Ex.P16.

7. 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.

8. 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 06.10.1994 of the testatrix Late.Ms.R.Suguntha. 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

Speaking: Yes/ No



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Neutral Citation: Yes/No

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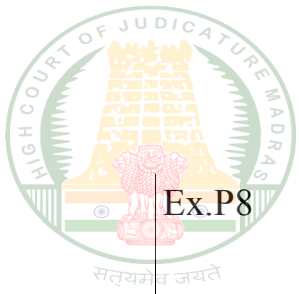
Petitioner's Witnesses:

P.W.1 – Mrs.R.Suriyakumari

P.W.2 – Mr.S.Elumalai

List of Documents exhibited by the Petitioner :

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original Will executed by R.Suguntha dated 06.10.1994
Ex.P2	The Computer generated copy of the death certificate of Mr.M.Padmanaban died on 17.03.2008.
Ex.P3	The Computer generated copy of the death certificate of Mrs.R.Komala died on 03.07.2012.
Ex.P4	The photocopy of the legal heir certificate of R.Komala dated 02.11.2012. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P5	The photocopy of the legal heir certificate of Raghupathy dated 27.12.2024.
Ex.P6	The computer generated copy of the death certificate of R.Ponnurangam died on 25.06.2011.
Ex.P7	The computer generated copy of the death certificate of R.Chandra died on 10.12.2016.



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Ex.P8	The computer generated copy of the death certificate of R.Devaki died on 26.03.2012.
Ex.P9	The computer generated copy of the death certificate of J.Devarajan died on 23.05.2021.
Ex.P10	The computer generated copy of the death certificate of R.Suguntha died on 27.09.2022.
Ex.P11	The affidavit of assets wherein net value of estate is Rs.15,00,000/-
Ex.P12	The Consent Affidavit of 2nd respondent / Mrs.A.P.Jayanthi.
Ex.P13	The Consent Affidavit of 3rd respondent / Mr.D.Ramesh Babu.
Ex.P14	The Consent Affidavit of 4th respondent / Mr.D.Rajesh Babu.
Ex.P15	The Paper Publication in Tamil Daily “Malai Malar” dated 08.01.2025. Certificate under Section 63(4)(c) of BSA is filed for Exs.P2,P3, P6 to P10.
Ex.P16	The affidavit of attesting witness.
Ex.P17	The photocopy of the Aadhar card of the 2 nd attesting witness.

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