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O.P.No.374 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.06.2025**

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

O.P.No.374 of 2024

Mr.G.V.Saravanan

...Petitioner

PRAYER: Original Petition filed under Sections 232 and 276 of Indian Succession Act (XXXIX of 1925) and Order XXV Rule 5 of the High Court Original Side Rules, praying that:-

a) The petitioner may be allowed to prove the WILL of the deceased Mrs.R.Parvathy dated 21.07.2023 in the Common Form;

b) That the Letter of Administration with the WILL dated 21.07.2023 of Mrs.R.Parvathy may be granted to the petitioner as the beneficiary in the manner stated in the said WILL and to have effect of such Probate limited to the State of Tamil Nadu.

c) Pass such other or further orders as this Hon'ble Court deems fit, in the interest of justice and equity.

For Petitioner : Mr.Ramesh Ganapathy

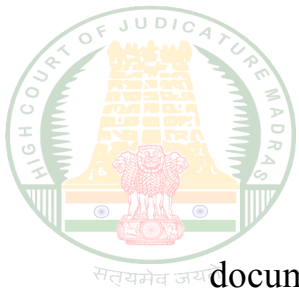
ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 21.07.2023 executed by Late.Mrs.R.Parvathy, who died on 23.10.2023. The petitioner submits that



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the testatrix was married to one Late.Mr.T.Parthasarathy, the couple did not any issues in the duration of their marriage. The petitioner is the adopted son of the testatrix and her husband Late.Mr.T.Parthasarathy. The petitioner further submits that the properties described under the Item(a) and Item(b) of the petition's schedule was jointly purchased by the testatrix along with her husband Late.Mr.T.Parthasarathy *vide* the Sale Deed registered as Document No.628 of 2002 dated 27.02.2002. Further the husband of the testatrix predeceased her on 09.07.2013 leaving behind the testatrix as his only legal heir. Therefore the testatrix inherited his share in the above said property and became the absolute owner of the same. The petitioner further submits that the testatrix is the absolute owner of the property described under the Item(c) of the petition's schedule *vide* the Sale Deed dated 15.12.1989 registered as Document No.6192 of 1989 in SRO, Tiruvottriur. The testatrix died on 23.10.2023 before which she had executed a Will on 21.07.2023 where she bequeathed the properties described under the schedule of the petition in favour of the petitioner, therefore the petitioner is the only beneficiary named under the said will. The petitioner seeks the issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.



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2. The petitioner has examined himself as PW1 and has produced 7 documents which are marked as Ex.P1 to P7, which can be found at the foot of the order. He has produced the Original Will and testament dated 21.07.2023 bearing Document No.24 of 2023 as Ex.P6, under which the petitioner is the named as the beneficiary. On further perusal of the Ex.P6 it can be noticed that the testatrix had mentioned the petitioner as the adopted son of both her husband Late.Mr.T.Parthasarathy and herself. The death certificates of the Testatrix and Testatrix's husband Late.Mr.T.Parthasarathy has been marked as Ex.P5 and Ex.P4. The legal heir certificate of the husband of the testatrix Late.Mr.T.Parthasarathy has been marked as Ex.P8, which establishes that the testatrix is the sole legal heir of her predeceased husband and the couple had no issues from their marriage. As the evidence of the Title held by the testatrix the petitioner had produced the photocopy two Sale Deeds; Document No.6192 of 1989 dated 15.12.1989 as Ex.P1 and Document No.628 of 2002 dated 27.02.2002 as Ex.P2. A general paper publication has been effected and no objections had been received for the same.

3. The petitioner has examined Mr.N.P.Sadhasivam and Mr.Aadhithan, 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.

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4. 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

5. 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 21.07.2023 of the testatrix Late.Mrs.R.Parvathy. 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.G.V.Saravanan

P.W.2 – Mr.Sadhasivam

P.W.3 – Mr.K.Adithyan



Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Photocopy of the Sale Deed document vide No.6192 of 1989 registered on the file of the SRO, Tiruvottrur in favour of T.Parthasarathy, and R.Parvathy dated 15.12.1989. (Original produced, compared and returned.)
Ex.P2	Photocopy of the Sale Deed document vide No.628 of 2002 registered on the file of the SRO, Purasaivakam in favour of P.Parvathy dated 27.02.2002.(Original produced, compared and returned.)
Ex.P3	Online copy of the Death Certificate of T.Parthasarathy, who died on 09.07.2013 and 12.07.2013.
Ex.P4	Photocopy of the Legal Heir Certificate of T.Parthasarathy dated 26.08.2013.(Original produced, compared and returned.)
Ex.P5	Online copy of the Death Certificate of R.Parvathy, who died on 23.10.2023 and 27.10.2023.(Original produced, compared and returned.)
Ex.P6	Original Will bearing Document No.24 of 2023 executed by deceased in favour of G.V.Saravanan dated 21.07.2023.
Ex.P7	Photocopy of the Aadhaar Card of the petitioner. (Original produced, compared and returned.)

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