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O.P. No.198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.198 of 2024

P.Ram Kumar

... Petitioner

Vs

1. S.Parameswaran
2. P.Subramanian
3. V.Renuka
4. V.Kannan

... Respondents

PRAYER: Original Petition is filed under Sections 232 and 276 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration to the Will annexed with the petition, as the legatee of the said deceased to the entire property and credits of the deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.K.Surender

ORDER

This petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules to grant Letters of Administration to the petitioner to the estates and credits of the deceased having effect limited to the State of Tamil Nadu.



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2. After filing of this petition, this Court directed the petitioner to effect general paper publication and the paper publication was also effected and there is no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence was also recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P.7 were marked.

3. According to the petitioner, a property situated at Plot NO.B107/29, 7th street, Periyar Nagar, Chennai – 82 measuring 3205 sq.ft., comprised in Town Survey No.134 and Block No.32/E of Peravallur Village, Chennai District was originally belonged to one A.Meenakshi. The said A.Meenakshi, wife of Late Mr.Krishnamoorthy died issueless on 22.02.2021. The deceased A.Meenakshi had executed a Will on 25.12.2009 appointing the 1st respondent, who is her brother-in-law as the sole executor of the Will, however, the 1st respondent refused to act as the executor of the Will of the deceased citing health reasons and has also given a letter to the petitioner stating that he is not interested to act as executor of the Will dated 25.12.2009. The petitioner, herein is the son of the 1st respondent and nephew of the deceased, A.Meenakshi. The petitioner and the 2nd respondent are the nephews of the deceased A.Meenakshi, sons of the 1st respondent. The 1st respondent is the brother-in-law of the deceased



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A.Meenakshi. The respondents 3 and 4 are the niece and nephew, daughter and son of late Smt.A.Soundaram, who is the sister of the deceased A.Meenakshi respectively.

3.1. The deceased A.Meenakshi executed the registered Will dated 25.12.2009 in a sound and disposing state of mind in the presence of the witnesses namely Mr. S.Chellam Pillai and Mr.A.Ramalingam. At present, both of the witnesses died.

3.2. The deceased A.Meenakshi had during her life time executed the aforesaid Will dated 25.12.2009 thereby bequeathing her assets including the aforesaid immovable property to the petitioner and the respondents and there are no other next kin or other person interested to be impleaded. The amount of assets which are likely to come into the petitioner hand does not exceed aggregate sum of Rs.1,29,80,000/-. The deceased A.Meenakshi executed the said Will dated 25.12.2009 bequeathing her assets including the above said immovable property to the petitioner and the respondents. Therefore, the petitioner prayed to grant letters of administration in favour of the petitioner.



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4. The petitioner herein, was examined as PW1 and C.B.Divahar, who is well acquainted with the signature of the testatrix and the attesting witnesses was examined PW2. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.7 revealed that the petitioner and the respondents are the legal heirs of the deceased and no any objection has been raised either by any of the respondents or any other party to grant letter of administration to the petitioner.

5. In the case on hand, the deceased A.Meenakshi., had executed the Will on 25.12.2009 and the Will has been attested by two attestors namely Mr.S.Chellam Pillai and A. Ramalingam and now, they have died. Therefore, the petitioner has filed an Application No.4601 of 2025 to permit the third party / Mr.C.B.Divahar, who is the son of S.Chellam Pillai, acquainted with the signatures of the deceased and both the attesting witness to examine as witness and this Court allowed the said application on 16.09.2025. The said witness, Mr.C.B.Divahar has deposed about the testatrix and the attestor and also identified the signatures of the testatrix and both the attestors found in the Will and he has also filed an affidavit to that effect. Therefore, the petitioners, through the evidences and documents, have amply proved the execution of Will. Therefore, the petitioner is entitled to the relief as prayed for in the petition.



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6. Accordingly, this Original Petition is **allowed** and Letter of Administration, to the estates and credits of the deceased Mrs.A.Meenakshi. in favour of the petitioner, is granted.

7. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is directed to execute a **security bond** each for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** in favour of the **Assistant Registrar (O.S.II), High Court, Madras**. The petitioner is further directed to render true and correct accounts once in a year.

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Index : Yes/No
Speaking Order : Yes/No
ssd

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. P.Ramkumar
PW2 : Mr.C.B.Divahar

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	25.12.2009	Original Last will of late A.Meenakhi
Ex.P.2	06.01.1989	Photocopy of the sale deed in Doc.No.51 of 1969 .
Ex.P.3	05.03.2021	Online copy of the death certificate of A.Meenakshi, (date of death 22.02.2021)



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Ex.P.4.	27.11.2023	Original Letter issued by the executor, the 1 st respondent
Ex.P.5	02.01.2024	Affidavit of Assets
Ex.P.6	-	Computer generated death certificate of S.Chellam Pillai along with affidavit under Section 63(4) of BSA
Ex.P.7	-	Photocopy of Aadhaar Card

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