



WEB COPY

O.P.No.150 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.06.2025**

CORAM

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

O.P.No.150 of 2024

1.Mr.Raj Swaminathan

2.Mr.Ashok Swaminathan

...Petitioners

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of the High Court Original Side Rules, 1956, prayed by the petitioners that this Hon'ble Court may be pleased to grant Letters of Administration with Will dated 03.05.2002 in favour of the 1st petitioner as son/Beneficiary under the Will of the deceased limited to the State of Tamil Nadu.

For Petitioner : Mr.S.Rajesh Kumar
For M/s.Nathan and Associates

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in favour of the first petitioner in respect of the Will dated 03.05.2002 executed by one Late.Mrs.Saroja Swaminathan, who died on 05.09.2021. The petitioners submit that the testatrix had got married to one Late.Mr.N.Swaminathan and had begotten both the petitioners as her sons in the duration of her marriage. The petitioners further submit that the testatrix is the absolute owner of the property mentioned in the schedule of the



WEB COPY

petition. The testatrix died on 05.09.2021 leaving behind both the petitioners as her only legal heirs. Further the testatrix had executed a Will dated 03.05.2002, where she had bequeathed the property under the Schedule 'A' of the Will in favour of the 1st petitioner and the property under the Schedule 'B' of the Will, which is situated in Bangalore was bequeathed in favour of the 2nd petitioner. The petitioners are the only beneficiaries under the said will. Therefore the petitioners seek issuance of Letters of Administration in favour of the 1st petitioner in respect of the property situated within the jurisdiction of this court.

2. The first petitioner has examined himself as PW1 and has marked Ex.P1 to P11 which has been listed at the foot of the order. He has produced the original registered Will and testament dated 03.05.2002 as Ex.P1, which substantiates the claim made in the petition, that both the petitioners are the only beneficiaries named in the Will. The death certificate of the Testatrix has been marked as Ex.P2. The legal heirship certificate of Late.Mr.N.Swaminathan the husband of the testatrix is marked as Ex.P6, which establishes that the petitioners are the sons and also the only legal heirs of the testatrix. The photocopy of the Sale Deed dated 21.03.1998 executed in favour of the testatrix has been marked as Ex.P7. A perusal of the



WEB COPY

Ex.P1 clearly proves that the testatrix had bequeathed the property mentioned in the schedule of the petition in favour of the 1st petitioner. The necessary paper publications had been effected which are marked as Ex.P10 and Ex.P11 and no objections had been received for the same.

3. The petitioners have examined Mr.R.Sai Prakash, who is the second attesting witness to the said Will as PW2. He has spoken about the execution of the Ex.P1 by the testatrix and its attestation by him along with the first attesting witness and he has marked his affidavit as Ex.P13.

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 1st petitioner, in respect of the Will dated 03.05.2002 of the testatrix late.Mrs.Saroja Swaminathan. The 1st 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 1st petitioner is further



directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

WEB COPY

05.06.2025

kak

Index :Yes/No

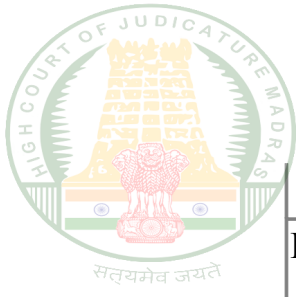
Petitioner's witness:

P.W.1 – Mr.Raj Swaminathan

P.W.2 – Mr.R.Sai Prakash

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original registered undated Will registered on 03.05.2002 executed by Mrs.Saroja Swaminathan.
Ex.P2	Computer generated death certificate of Mrs.Saroja Swaminathan.
Ex.P3	Photocopy of Aadhar card of P.W.1 (Compared with the original)
Ex.P4	Photocopy of the Aadhar card of Mr.Ashok Swaminathan (Compared with the original)
Ex.P5	Photocopy of the Family Card of Mr.N.Swaminathan (Compared with the original)
Ex.P6	Photocopy of legalheirship certificate of Mr.N.Swaminathan.(Compared with the original)
Ex.P7	Photocopy of the sale deed dated 21.03.1998 executed by Mr.Srinivasa Iyengar and others through power agent in favour of Mrs.Saroja Swaminathan(Compared with the original)
Ex.P8	Photocopy of the undated agreement between Mr.Ashok Leyland properties Ltd and Mrs.Saroja Swaminathan(Compared with the original)
Ex.P9	Certificate under Section 65 B of the Indian Evidence Act,



WEB COPY

O.P.No.150 of



	1872.
Ex.P10	Copy of paper publication effected in one issue of Tamil daily “Malai Tamizhagam” dated 08.10.2024.
Ex.P11	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 18.10.2024.
Ex.P12	Photocopy of Aadhaar Card of P.W.2 (Compared with the original)
Ex.P13	Affidavit of P.W.2.

kak

05.06.2025



WEB COPY

O.P.No.150 of



K.KUMARESH BABU, J.

kak

O.P.No.150 of 2024

05.06.2025