



O.P.No.288 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.07.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.288 of 2022

1.Smt.B.Ganesh Kumari (Deceased)

2.Ganesh Gnana Balaji ... Petitioners

(The 2nd petitioner brought on record as legal heir of the deceased 1st petitioner and amendment carried out as per the order dated 09.08.2023 in A.No.4043 of 2023)

Vs

1.Smt.B.Indira

2.Smt.Saraswathi Ram

3.Smt.Gowri

4.Sri.Sathish

5.Smt.Janani ... Respondents

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act, read with Order XXV Rule 5 of the O.S.Rules for grant of Letters of Administration with will annexed may be granted to her as the daughter/beneficiary/legatee under the Will of the deceased Gnanammal @ Gnanam to having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.DJ.Adhi Narayanan

For Respondents : No Appearance



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ORDER

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 11.03.1992 registered as Document No.23 of 1992 in SRO of T-Nagar, executed by Mrs.B.Gnanam @ Gnanammal , who died on 24.11.1998.

2. The 1st petitioner Mrs.B.Ganesh Kumari is the daughter of the testatrix and upon her death on 01.12.2022 the 2nd petitioner, who is the son and the sole legal heir of her was brought on record as ordered in the application A.No.4043 of 2023 vide order dated 09.08.2023. The 2nd petitioner submits that the testatrix was married to one Mr.Dr.V.Balasubramaniam and the couple had begotten Mrs.B.Ganesh Kumari the deceased petitioner herein, 1st respondent, Mrs.B.Hemalatha, Mrs.B.Sundaram and Mr.B.Sakthi Jeevan as their children out of their wedlock. The respondents 2 to 5 are the legal heirs of Late.Mr.B.Shakti Jeevan who is the predeceased son of the testatrix. The petitioner submits that Mrs.B.Hemalatha and Mrs.B.Sundaram, who are the other daughters of the testatrix died on 18.01.2010 and 21.01.2016 respectively and both of them died without any issues and the whereabouts of their respective spouses are unknown to the petitioner.

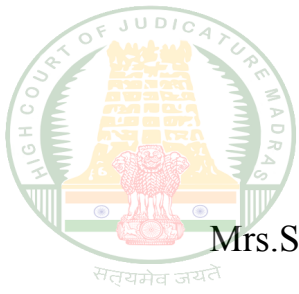


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3. The petitioner submits that the testatrix was the absolute owner of the immovable property mentioned in the schedule of the petition. He further states that the testatrix before her death had executed a Will on 11.03.1992 in which she had bequeathed the immovable property mentioned in the schedule of the petition absolutely in favour of her daughter Mrs.B.Ganesh Kumari, the deceased petitioner herein. The 2nd petitioner is the sole legal heir of the deceased petitioner who is the sole beneficiary named in the said Will executed by the testatrix. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

4. The second petitioner has examined himself as PW1 and he has produced 16 documents to support his deposition which are listed as Ex.P1 to Ex.P16 at the foot of the order. The certified copy of the Will dated 11.03.1992 has been marked as Ex.P2. The photocopy of the legal heirship certificate of the testatrix and her daughter Mrs.B.Ganesh Kumari has been marked as Ex.P3 and Ex.P15. The original death certificate of the testatrix has been marked as Ex.P1. The computer generated death certificates of the daughters of the testatrix, Mrs.B.Ganesh Kumari, Mrs.B.Hemalatha and



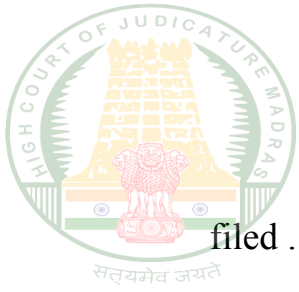
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Mrs.Sundaram has been marked as Ex.P13, Ex.P4 and Ex.P5. The perusal of

Ex.P2 clearly substantiates the claims made in the petition that Late.Mrs.B.Ganesh Kumari, the deceased petitioner herein, is the sole beneficiary named in the above said Will executed by the testatrix. A perusal of Ex.P15 proves that the 2nd petitioner is the sole legal heir of the Late.Mrs.Ganesh Kumari. The general paper publications were recorded as effected vide master court order dated 14.07.2025 and no objections were recorded as received for the same.

5. Mr. Mr.K.V.Sundaram who is the 3rd party witness has been examined as PW2 *vide* order dated 27.03.2025 ordered in the application A.No.6522 of 2023. He has spoken about the original attesting witnesses to the Will, Mr.Asirvatham and Mr.Sudharsanam attesting the Will and he has identified their signatures in Ex.P2. He has also spoken about the execution of the Will by the testatrix and has identified the signature of the testatrix in Ex.P2. The aadhar card of PW2 has been marked as Ex.P17.

6. The service of notice upon the 1st respondent has been completed. The 1st respondent had expressed her consent to grant the letters of administration in favour of the petitioner and her consent affidavit has been



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7. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the 2nd 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 2nd petitioner as the son of the beneficiary, in respect of the Will dated 11.03.1992 of the testatrix Late.Mrs.B.Gnanam @ Gnanammal. 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

Speaking: Yes/ No

Neutral Citation: Yes/No



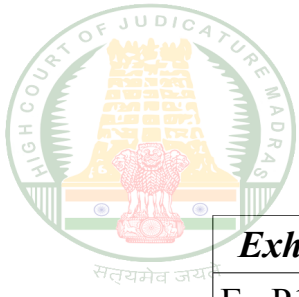
Petitioner's witness:

P.W.1 —Mr.P.Ganesh Gnana Balaji

P.W.2 – Mr.K.V.Sundaram

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original death certificate of Mrs.B.Gnanam
Ex.P2	Certified copy of the will dated 11.03.1992, executed by Mrs.B.Gnanambal. (Pursuant to the order dated 16.11.2023 passed this Court, this document is marked subject to proof, admissibility and relevancy)
Ex.P3	Photocopy of the legal heirship certificate of Mrs.Gnanam (Compared with the original)
Ex.P4	Computer generated death certificate of Mrs.B.Hemalatha
Ex.P5	Computer generated death certificate of Mrs.Sundaram
Ex.P6	Photocopy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 20.07.2017 with regard to lost of original Will (Compared with the original)
Ex.P7	Photocopy of paper publication effected in one issue of English daily “Trinity Mirror” dated 27.07.2017 with regard to lost of original Will (Compared with the original)
Ex.P8	Photocopy of the certificate dated 18.08.2017 given by R3, Ashok Nagar Police Station (Crime), Chennai-83 with regard to lost of original Will bearing document No.23 of 1992 (Compared with the original)
Ex.P9	(Series 2 Nos) are the online water tax receipt dated 16.11.2018 and 27.04.2017 with regard to property standing in the name of Mrs.B.Ganesh Kumari
Ex.P10	Original encumbrance certificate dated 21.05.2019 for the period 01.01.1975 to 20.05.2019 in respect of the schedule mentioned property in the petition.
Ex.P11	Photocopy of PW1 Aadhar Card (Compared with the original)
Ex.P12	Computer generated birth certificate of PW1



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<i>Exhibits</i>	<i>Documents</i>
Ex.P13	Computer generated death certificate of the first petitioner.
Ex.P14	Computer generated death certificate of PW-1's father Mr.N.Pasupathy Subramaniyan
Ex.P15	Computer generated legal heir certificate of Mrs.B.Ganesh Kumari
Ex.P16	Affidavit of assets showing the net value of the estate as Rs.5,00,00,000/-
Ex.P17	Photocopy of PW-2's Aadhar card (Compared with the original)

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