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O.P.No.818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.818 of 2024

1.Drupathi Amman Temple

Rep., by Trustee Dr.P.N.Namasivaya,
Melpadi Muthu Naicken Street,
Nungambakkam, Chennai – 600 034

2.N.Lakshmi @ Pankajalakshmi

... Petitioners

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 Original Side Rules seeking for Letters of Administration with the certified copy of Will annexed to the properties and credits of deceased may be granted to the petitioners who are the beneficiaries under the Will of deceased N.V.P. Pandyan having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.G.Surya Narayanan

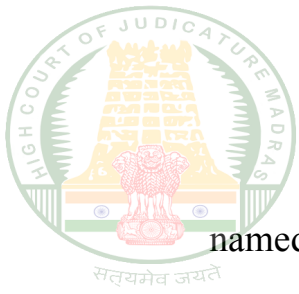


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ORDER

WEB COPY This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 06.06.1990 executed by Mr.N.V.P.Pandyan, who died on 23.11.1999.

2. The 1st petitioner is Drupathi Amman Temple represented by its trustee Dr.P.N.Namasivaya and the second petitioner is the grand-daughter of the testator through his only son. The petitioners submit that the testator had purchased an immovable property vide the Deed of Absolute Sale dated 04.05.1943, upon which the property mentioned in the Will has been built. The petitioners submit that the testator had executed two separate Wills on the same date of 06.06.1990 with respect to the ground floor and the first floor of the immovable property. The above said Will dated 06.06.1990 executed by the testator mentioned in this original petition deals with the ground floor of the immovable property which is more fully described in the Will. The testator had given the life interest of the subject property in favour of the 2nd petitioner and after her lifetime it absolutely devolves upon the 1st petitioner. The petitioners also submit that the testator had appointed one Mr.Muthu as the executor of the Will who died on 15.10.2007 without probating the Will. Therefore the petitioners being the only beneficiaries

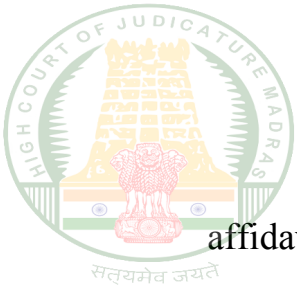


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named under the said Will, seek the issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

3. The trustee of 1st petitioner has been examined as PW1. He had produced 8 documents to support his deposition which are listed as Ex.P1 to Ex.P8 at the foot of the order. He had produced the certified copy of the Will dated 06.06.1990 as Ex.P2. The photocopy of the Sale Deed registered as Doc.No.620/1943 dated 04.05.1943 has been marked as Ex.P1. The computer generated death certificate of the testator Late Mr.N.V.P.Pandyan has been marked as Ex.P3. The original legal heirship certificate of the testator has been marked as Ex.P4. The original death certificate of the appointed executor S.Muthu has been marked as Ex.P5. The perusal of Ex.P2 clearly substantiates the claims made in the petition that the petitioners are the only beneficiaries named in the said Will dated 06.06.1990. The general paper publications had been effected which are marked as Ex.P6 and Ex.P7 and no objections were received for the same.

4. The petitioner has examined Mr.Subramanian as PW2, who is the son of Mr.T.A.Varadharajan the 1st attesting Witness to the Will dated 06.06.1990. He had identified the signature of his father in the Will. The



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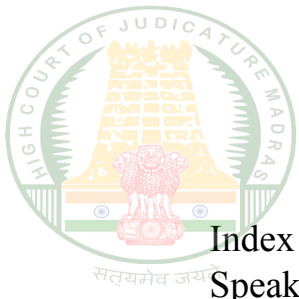
affidavit of the 1st attesting witness has been marked as Ex.P9, in which he has averred about the execution of the Will by the testator and its attestation by him along with one Mr.V.Govindarajulu who is the other attesting Witness to the Will. He has marked the photocopy of his Aadhar card of the as Ex.P10.

5. 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

6. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners, in respect of the Will dated 06.06.1990 of the testator Late.Mr.N.V.P.Pandyan. 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

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Petitioner's witnesses:

P.W.1 — Dr.P.N.Namasivaya

P.W.2 – Mr.Subramanian

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed registered as Doc.No.620/1943, dated 04.05.1943 (Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Certified copy of the Will, dated 06.06.1990
Ex.P3	Computer generated copy of the death certificate of N.V.P.Pandyan died on 23.11.1999.
Ex.P4	Photocopy of the legal heir certificate of N.V.P.Pandyan issued on 31.01.2000.
Ex.P5	Original death certificate of S.Muthu, executor died on 15.10.2007.
Ex.P6	One issue of Tamil Paper Publication in Dhina Kural dated 12.03.2025.
Ex.P7	One issue of English paper publication in Southern Mail dated 20.03.2025.
Ex.P8	Affidavit of assets showing the net value of Rs.20,00,000/-
Ex.P9	Affidavit filed by father of PW-2 Mr.T.A.Varadharajan for supporting execution of the Will by the testator
Ex.P10	Photocopy of the Aadhar Card of PW-2

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