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O.P.No.817 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.817 of 2024

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

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 petitioner Trust who is the beneficiary under the Will of deceased N.V.P. Pandyan having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.G.Surya Narayanan

ORDER

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.



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2. The petitioner is Drupathi Amman Temple represented by its trustee Dr.P.N.Namasivaya who is the only son of the testator. The petitioner represented by its trustee, submits 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 petitioner contends that the testator before his death had executed the above said Will dated 06.06.1990 registered as Document No.45 of 1990 in the SRO of Periamet. It can be seen that the testator had also explicitly mentioned in the above said Will that he had executed another will in respect to the ground floor of the immovable property which is dealt in the Original Petition O.P.No.818 of 2024. Through the above said Will dated 06.06.1990 dealt in this original petition, the testator had bequeathed the first floor immovable property which is more fully described in the schedule of the Will, in favour of the petitioner, whereas the Executive Officer of the petitioner does not hold any alienation or mortgaging rights towards the immovable property and the subject property shall be named in the name of the Testator. Therefore the petitioner being the only beneficiary named under the said Will, seek the issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.



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3. The petitioner has been examined as PW1, he had produced 7 documents to support his deposition which are listed as Ex.P1 to Ex.P7 at the foot of the order. He had produced the certified copy of the registered 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 photocopy of the legal heirship certificate of the testator has been marked as Ex.P4 and the perusal of the same proves that Dr.P.N.Namasivaya is the only immediate legal heir of the testator. The perusal of Ex.P2 clearly substantiates the claims made in the petition that the petitioner is the only beneficiary named in the said Will dated 06.06.1990. The general paper publications had been effected which are marked as Ex.P5 and Ex.P6 and no objections were received for the same.

4. The petitioner has examined one 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 affidavit of the 1st attesting witness has been marked as Ex.P8, in which he has explained 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



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to the Will. He has marked the photocopy of his Aadhar card of the as

Ex.P9.

5. 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

6. 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 06.06.1990 of the testator Late.Mr.N.V.P.Pandyan. 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

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. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	One issue of Tamil Paper publication in Dhinia Kural dated 12.03.2025.
Ex.P6	One issue of English paper publication in Southern Mail dated 20.03.2025.
Ex.P7	Affidavit of assets showing the net value of the assets is Rs.20,00,000/-
Ex.P8	Affidavit filed by father of PW-2, Mr.T.A.Varadharajan for supporting execution of the Will by the testator
Ex.P9	Photocopy of the Aadhar Card of PW-2

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