



WEB COPY



O.P.No.446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.08.2025**

CORAM

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

O.P.No.446 of 2024

Prabhu Srinivas @ Prabhu Srinivasan

...Petitioner

Vs.

1.Shyamala

2.Vijaya Chandrasekaran

3.S.Kothandaraman

4.G.Srinivasan

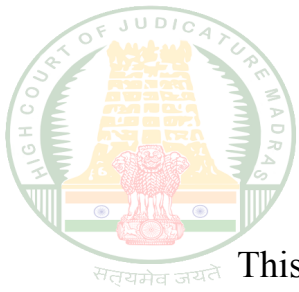
5.Lalitha Ramamurthy

... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, praying to grant Letters of Administration with the Will annexed dated 31.07.2013 executed by late Mrs.Abi Balasubramanina @ Abi Balasubramaniam in favour of the petitioner, the Nephew/ Beneficiary and that the Letters of Administration thereof to have effect throughout the whole of India.

For Petitioner : Mr.S.Gopinathan

For Respondents : No appearance



O.P.No.446 of 2024

ORDER

WEB COPY This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 31.07.2013 executed by Mrs.Abi Balasubramanian who died on 09.11.2022. The petitioner is nephew of the testatrix, through the 4th respondent. The respondents 1 to 3 are the siblings of the testatrix and the respondents 4 and 5 are the brother-in-law and sister-in-law of the testatrix through her husband.

2. The petitioner submits that the testatrix had got married to one Mr.G.Balasubramanian @ Mr.G.Balasubrahmanyam who predeceased her on 14.11.2020 and the couple did not have any issues out of the said wedlock. The petitioner states that the respondents 1 to 3 are the siblings of the testatrix, whereas the respondents 4 and 5 are siblings of Late.Mr.G.Balasubramanian, the husband of the testatrix herein. The petitioner submits that the testatrix and himself are the absolute owners of the immovable property which is described under the Schedule 'B' of the petition by the virtue of the Sale Deed dated 28.03.1990. The petitioner asserts that the testatrix prior to her demise had executed a will on 31.07.2013, through which she had granted the life interest of her share in the immovable property mentioned in the schedule 'B' of the petition in favour of her husband Late.Mr.G.Balasubramanian and had bequeathed the



same absolutely in favour of the petitioner. The petitioner contends that he is the sole and the absolute beneficiary of the will executed by the testatrix as Late.Mr.G.Balasubramanian, the life interest beneficiary named in the Will had predeceased the testatrix. Therefore the petitioner seeks issuance of Letters of Administration in respect of the property situated within the jurisdiction of this court.

3. The petitioner has examined himself as PW1. He has produced 4 documents to support his depositions which are listed as Ex.P1 to Ex.P4 at the foot of the order. The Original unregistered Will executed by the testatrix has been marked as Ex.P4. The online copy of the death certificate of the testatrix and her husband Late.Mr.G.Balasubramanian has been marked as Ex.P2 and Ex.P1 respectively. As the evidence to the title held by the testatrix and the petitioner towards the immovable property, the photocopy of the Sale Deed Document dated 28.03.1990 has been marked as Ex.P3. The perusal of the Ex.P4 clearly substantiates claim made in the petition that the petitioner is the absolute beneficiary named in the will. The general paper publications have been effected and no objections have been received for the same.

4. The petitioner has examined Mr.G.Srinivasan, who is the 4th respondent



O.P.No.446 of 2024

herein and also one of the attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him and the other attesting witness.

5. The service of notices upon the respondents 1, 3 to 5 had been completed whereas service upon the 2nd respondent has been completed through the substituted mode of paper publication as ordered in the Application No.198 of 2025 vide order dated 21.01.2025. In spite of the services being completed the respondents 1, 2, 3 and 5 chose to keep themselves away from the proceedings.

6. 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

7. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioner, having effect throughout India, in respect of the Will dated 31.07.2013 of the testatrix Late.Mrs.Abi Balasubramanian. 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



O.P.No.446 of 2024

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

13.08.2025

dsa

Index :Yes/No

Petitioners' witness:

P.W.1 – Mr.Prabhu Srinivasan

P.W.2 – Mr.G.Srinivsan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Online copy of the Death certificate of G.Balasubramaniam husband of late Mrs.Abi Balasubramaniam dated 19.12.2020.
Ex.P2	Online Death certificate of Late Mrs.Abi Balasubramaniam dated 09.02.2023.
Ex.P3	Photocopy of the Sale Deed Doc.No.1706/90 dated 28.03.1990.
Ex.P4	Original unregistered Will executed by the petitioner's Aunt Late Mrs.Abi Balasubramanian dated 31.07.2013.

13.08.2025

dsa

K.KUMARESH BABU, J.



WEB COPY



O.P.No.446 of 2024

dsa

O.P.No.446 of 2024

13.08.2025