



O.P. No.756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1. R. Krishnamurthy [deceased] S/o. Rajam Iyer
2. A. Alamelu W/o. Athma Raman
3. Pattammal W/o. Late R. Krishnamurthy
4. Uma Ravi D/o. Late R. Krishnamurthy
5. Rajarajeshwari D/o. Late R. Krishnamurthy
[1st petitioner died and petitioners 3 to 5 are brought
on record as legal heirs of the 1st petitioner vide
order dated 25.03.2025].

... Petitioners

Vs

1. R. Ramamurthy S/o. Rajam Iyer
2. R. Balasubramanian S/o. Rajam Iyer

... Respondents

PRAYER: Original Petition is filed under Sections 232 and 276 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration to the Will annexed with the petition, as son and daughter / beneficiaries of the deceased having effect



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throughout the State of Tamil Nadu.

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For Petitioner : Mr. E.C. Ramesh

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration to the petitioners to the estates and credits of the deceased having effect throughout the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioners to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected and there is no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence was also recorded. On the side of the petitioners, PW1 to PW3 were examined and Ex.P.1 to Ex.P.4 were marked.



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3. According to the petitioners, the petitioners and the respondents are the children of late R. Saraswathy. As the 1st petitioner R. Krishnamurthy died, his legal heirs have been impleaded as the petitioners 3 to 5 herein. The said Late R. Saraswathy died on 03.11.2018 and her husband predeceased her. During the life time of the deceased R. Saraswathy, she had executed her unregistered Will and testament dated 03.06.2018 and she had bequeathed her movable properties viz., (i) amounts lying with Bank of Baroda vide Savings Bank Account No.12810100000367, (ii) amounts lying with Lakshmi Vilas Bank vide Savings Bank Account No.043430144418121, (iii) shares and (iv) jewels in favour of the petitioners. No executor was appointed by the deceased R. Saraswathy in the Will. The petitioners and the respondents are the only surviving legal heirs and there is no other next of kin to the deceased R. Saraswathy. The total value of the petition mentioned assets would come around Rs.3,29,93,045/-.

4. During the pendency of this petition, the 1st petitioner died and his

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legal heirs have been impleaded as the petitioners 3 to 5 herein. One B.

Chandra, the authorized Power Agent of the petitioners 3 to 5 was examined as PW1. The 2nd petitioner herein was examined as PW2. One of the attesting witnesses namely Mr. S. Panchapakesan was examined as PW3. He has deposed that he is the second attestor to Ex.P.1 Will dated 03.06.2018, that he was also present along with the testator at the time of execution of Will, that the testator was in sound state of mind and in good health at the time of execution of Will and he has signed as 2nd witness in the Will in her presence. A perusal of evidences of PW1 to PW3 and Ex.P.1 to Ex.P.4 revealed that the petitioner and the respondents are the legal heirs of the deceased and no any objection has been raised either by any of the respondent or any other party to grant letter of administration to the petitioners. Therefore, the petitioners, through the evidences and documents, has amply proved the execution and attestation of Will. Therefore, the petitioners are entitled to the relief as prayed for in the petition.

5. Therefore, this Original Petition is *allowed* and Letter of
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Administration, to the estates and credits of the deceased Mrs. R. Saraswathy

in favour of the petitioners, is granted.

6. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to execute a **security bond** for a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand only)** in favour of the **Assistant Registrar (O.S.II), High Court, Madras**. The petitioners are further directed to render true and correct accounts once in a year.

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Index : Yes/No

Speaking Order : Yes/No

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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. B. Chandra

PW2 : Mr.A. Alamelu

PW3 : Mr. S. Panchapakesan



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List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	03.06.2018	Original unregistered Will executed by deceased Saraswathy.
Ex.P.2	06.03.2019	Computer generated Death Certificate of Saraswathy [date of Death: 03.11.2018].
Ex.P.3	05.04.2019	Computer generated Legal Heirship Certificate of Saraswathy.
Ex.P.4.	-	Photocopy of the Share Certificates.

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