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O.P.No.204 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.08.2025**

CORAM

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

O.P.No.204 of 2020

G.Chandru

...Petitioner

Vs.

1.Janani Sanjeev Kumar

2.P.Jayanthi

3.G.Ravi alias Ravishankar

... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act 39 of 1925 read with Order XXV, Rule 5 of the Original Side Rules of the High Court, Madras, praying to grant Letters of Administration with Will annexed dated 09.10.1992 to the petitioner who is the son of the deceased and beneficiary under the Will having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.A.Palaniappan

For Respondents : Ms.Jayasudha Suryanarayan for R3

R1 and R2 – No appearance

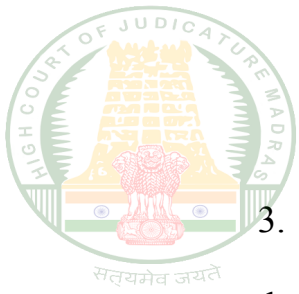
ORDER



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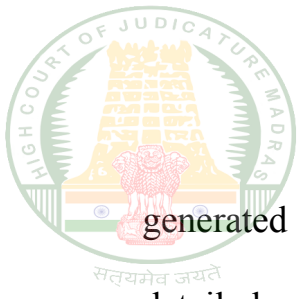
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 09.10.1992 executed by Mrs.G.Subbulakshmi, who died on 23.03.2016. The petitioner along with the respondent 2 and 3 are children of the testatrix and the 1st respondent is the granddaughter of the testatrix through one Late.Mrs.A.Amudha who is the deceased daughter of the testatrix.

2. The petitioner submits that the testatrix was married to one Mr.T.Govindasamy and had begotten the petitioner, respondent 2 and 3 along with one Mrs.A.Amudha as her children out the said wedlock. The petitioner further submits that his father and the husband of the testatrix Mr.T.Govindasamy predeceased the testatrix on 02.08.1994. The petitioner states that eldest daughter of the testatrix the Mrs.A.Amudha got married to one Mr.Anand, who predeceased her and the couple had begotten the 1st respondent as their daughter in the duration of the marriage. The petitioner submits that the aforesaid Mrs.A.Amudha died on 31.08.2018, leaving behind her daughter as her sole legal heir who has been impleaded as the 1st respondent to this petition.



3. The petitioner submits that the testatrix prior to her demise had executed a Will on 09.10.1992 registered as Document No.127 of 1992 in the SRO of Mylapore. The petitioner submits that the testatrix held 1/2nd share in the immovable property mentioned in the aforesaid Will whereas the other 1/2nd was owned by Late.Mr.T.Govindasamy who is the husband of the testatrix. The petitioner further submits that the Late.Mr.T.Govindasamy executed a separate Will which deals with his properties including his share in the aforesaid immovable property on the same date of 09.10.1992. The Will executed by the Late.Mr.T.Govindasamy was dealt in the Original Petition O.P.No.629 of 1994 for which the Letters of Administration was granted. The petitioner asserts that the testatrix had bequeathed her half share in the immovable property described morefully in the will dated 09.10.1992 in favour of her 2 sons, the petitioner and the 3rd respondent herein. Therefore the petitioner and the 3rd respondent are the beneficiaries of the Will. Therefore the petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

4. The petitioner has examined himself as PW1, he has produced 7 documents to support his deposition which are listed as Ex.P1 to Ex.P7. The Original Will executed by the testatrix has been marked as Ex.P1. The computer



generated death certificate of the testatrix has been marked as Ex.P2. The detailed examination of the Ex.P1 clearly substantiates the claims made in the petition and proves that the petitioner and the 3rd respondent are the only beneficiaries named in the Will. The general paper publications has been effected which has been marked as Ex.P5 and Ex.P6 and no objections have been received for the same.

5. The petitioner has examined Mr.A.Suresh, who is the 3rd party herein as PW2 as allowed in the Application No.2923 of 2025 vide order dated 07.07.2025. He has deposed that he is the brother of one Mr.A.Ramesh, who is the second attesting witness to Will executed by the testatrix and he is well acquainted with the signature of his brother. Therefore he has identified the signature of the aforesaid attesting witness Mr.A.Ramesh in the Original Will dated 09.10.1992 marked as Ex.P1.

6. The 3rd respondent through his consent affidavit has expressed that he has no objection in granting the Letters of Administration in respect of the Will dated 09.10.1992, provided it is granted in favour of both petitioner and himself, as he is one of the beneficiaries named in the Will executed by his mother, the testatrix herein. The learned counsel for the 3rd respondent appearing on behalf of



him had also reiterated the same averments present in the respective consent affidavit of the 3rd respondent. The notice attempted to be served upon the 1st respondent had been returned with an endorsement as “Refused”. In pursuant to the order dated 11.03.2025, a fresh notice had been directed to be issued upon the 2nd respondent to her correct address and in compliance with the aforesaid order, the Affidavit of Service was filed and was found in the bundle.

7. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner and the 3rd respondent are 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 petitioner and the 3rd respondent, in respect of the Will dated 09.10.1992 of the testatrix Late.Mrs.G.Subulakshmi. The petitioner and the 3rd respondent are directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each separately, in the name of the Assistant Registrar (Original Side) of this Court. The petitioner and the 3rd respondent 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

Petitioner's witness:

P.W.1 – Mr.G.Chandru

P.W.2 – Mr.A.Suresh

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Will dated 09.10.1992 executed by Mrs.G.Subbulakshmi.
Ex.P2	Computer generated death certificate of Mrs.G.Subbulakshmi.
Ex.P3	Computer generated death certificate of Mr.Ramesh.
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.1,10,00,000/-.
Ex.P5	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 23.05.2025.
Ex.P6	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 23.05.2025.
Ex.P7	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P8	Affidavit of A.Suresh – P.W.2
Ex.P9	Photocopy of the Aadhar Card of P.W.2 (Compared with the original).



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