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O.P.No.612 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.06.2025**

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

O.P.No.612 of 2024

Mr.Raja Bala

...Petitioner

VS.

1.Mrs.Vatsala Balasubramanian

2.Mr.Krishnan Balasubramanian

...Respondents

PRAYER: Original Petition filed under Sections 228 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956, prays:

a) That Letter of Administration with the Certified Copy of the Small Estate Certificate of Thyagarajan Balasubramanian (Deceased) dated 25.07.2023 granted by the Superior Court of Justice, Ontario, Canada by order dated 15.05.2023 in case file Number 2023-887 annexed may be granted to the petitioner as the son beneficiary under the Will of the said deceased having effect throughout the Union of India;
and

b) Such further or other orders be passed as this Hon'ble Court may deem fit and proper.

For Petitioner : M/s.Indumathi Ravi

For Respondents : Mr.V.M.Shankar

**ORDER**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 02.07.1997 executed by Late Mr.Thyagarajan BalaSubramanian, who died on 03.07.2012. The petitioner who is the eldest son of the testator, is represented through his power agent Mr.Harihara Gopala Krishna.

2. The petitioner and the second respondent are the sons of the testator and the first respondent is the wife of the testator, both the petitioner and the respondents are the only surviving legal heirs of the testator. The petitioner submits that the testator along with his wife Mrs.Vatsala Balasubramanian had purchased a property vide the Sale Deed registered as Doc.No.2299 of 1982 dated 30.06.1982. Later the testator along with his wife entered into an unregistered Sale Agreement dated 30.07.1994 with one M/s.Swetha Associates to develop a residential complex in the above mentioned property site and as per the same unregistered Sale Agreement and an another unregistered Supplementary Agreement dated 30.07.1994 the testator and his wife Mrs.Vatsala Balasubramanian became the owner of the property mentioned in the schedule of the petition. The 1st respondent is named as the sole beneficiary and also had been appointed as the executrix under the said will dated 02.07.1997. The petitioner as the son of the beneficiary seeks the



issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

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3. The Power of Attorney of the petitioner Mr.S.Harihara Gopala Krishnan has examined himself as PW1, he had submitted 11 documents which are marked as Ex.P1 to P6 and Ex.C1 to C5, and listed in the foot of the order. He had produced the photocopy of the death certificate of the Testator as Ex.P4. The Original Small Estate Certificate issued by the Superior Court of Justice at Ontario, Canada in the case File No.2023-887 dated 15.05.2023, which is annexed with the Will dated 02.07.1997 had been marked as Ex.P5. The Sale Deed dated registered as Doc.No.2299 of 1982 dated 30.06.1982 is marked as Ex.P1. As the proof of the title to subject property held by the testator and his wife an unregistered Sale Agreement and an unregistered Supplementary Agreement of Sale both dated 30.07.1994, entered with one M/s.Swetha Associates has been marked as Ex.P2 and Ex.P3. The photocopy of the Adjudication of the Power of Attorney registered as Doc.No.ADJ/363/2023 dated 23.12.2023 had been marked as Ex.P6. The consent affidavits of the 1st and 2nd respondents expressing their consent to grant the Letters of Administration in favour of the petitioner are marked as Ex.C1 and Ex.C2. The general paper publications had been



effected and are marked as Ex.C4 and Ex.C5 and no objections have been received for the same.

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4. The perusal of the Ex.P5 the Small Estate Certificate issued by the Superior Court of Ontario, Canada in favour of petitioner adequately substantiates that, the Will written by the testator on 02.07.1997 stands proved. It also serves as an adequate proof that the petitioner is the son of the both the testator and the 2nd respondent.

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 petitioners, in respect of the Will dated 02.07.1997 of the testator Late Mr.Thygarajan 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 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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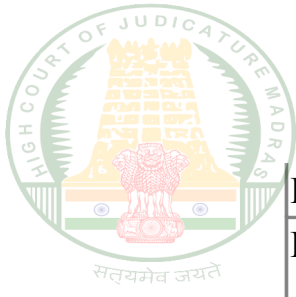
Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.S.Harihara Gopala Krishnan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Sale Deed executed in favour of Late.Mr.Thyagarajan Bala Subramanian and Mrs.Vatsala Balasubramanian registered as Doc.No.2299 of 1982 dated 30.06.1982.(Original produced, compared and returned)
Ex.P2	Photocopy of the Unregistered Agreement of sale between Late.Mr.Thyagarajan Bala Subramanian and Mrs.Vatsala Balasubramanian and M/s.Swetha Associates dated 30.07.1994. (Original produced, compared and returned)
Ex.P3	Photocopy of the Unregistered Supplementary Agreement of Sale between Mr.Thyagarajan Bala Subramanian and Mrs.Vatsala Balasubramanian and M/s.Swetha Associates dated 30.07.1994.(Original produced, compared and returned.)
Ex.P4	Photocopy of the Death Certificate of Late.Mr.Thyagarajan Bala Subramanian dated 05.07.2012.(Original produced, compared and returned.)
Ex.P5	Original Small Estate Certificate passed issued by the Superior Court of Justice at Ontario, Canada in the case file number 2023-887 dated 15.05.2023.
Ex.P6	Photocopy of the Adjudication of Power of Attorney registered as Doc.No.ADJ/363/2023 dated 23.12.2023.(Original produced, compared and returned.)
Ex.C1	Affidavit of Consent by Vatsala Balasubramanian.
Ex.C2	Affidavit of Consent by Krishnan Balasubramanian.



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Ex.C3	Affidavit of Assets.
Ex.C4	Tamil Paper Publication in “Makkal Kural” dated 04.03.2025.
Ex.C5	English Paper Publication in “Trinity Mirror” dated 11.03.2025.

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