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O.P. No.826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.826 of 2024

P. Kumaragurudasan S/o. Late S. Poongavanam ... Petitioner

vs.

1. K. Bhuvaneshwari W/o. K. Kasi
2. P. Sivasankaran S/o. Late S. Poongavanam ... Respondents

PRAYER: Original Petition is filed under Section 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 with the Will dated 27.07.2006 and modified Will dated 17.07.2007 annexed, to the petitioner as the son / beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Mr. A. Saravanan

For Respondents : Mr. R. Thirumoorthy

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ORDER

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This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration with the Will and mofidified Will annexed, to the petitioner as the son / beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioner 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 by mentioning the hearing date on 28.04.2025 and thereafter no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P.5 were marked.

3. The petitioner and the respondents are the sons and daughter of the



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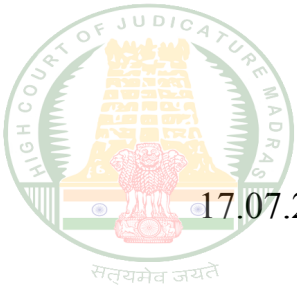
deceased S. Poongavanam. The case of the petitioner is that the deceased

S. Poongavanam has executed a Will dated 27.07.2006 bequeathing his properities in favour of his wife, sons and daughter as stated in the petition.

Subsequently, the deceased executed a modified Will dated 17.07.2007 modifying certain portion and to be read along with the Will dated 27.07.2006. The deceased S. Poongavanam died testate on 31.10.2008 leaving behind the petitioner and the respondents as his legal heirs. Hence, the petitioner, being the beneficiary of the Will, seeks Letters of Administration in his favour.

4. The respondents have filed consent affidavits to grant Letters of Administration in favour of the petitioner.

5. PW1 is the petitioner and he has narrated the averments in his evidence as stated in this original petition. In fact, the Testator had executed the first Will on 27.07.2006 and thereafter, executed last Will dated



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17.07.2007 by modifying the earlier Will. The Will dated 17.07.2007 is the

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Last Will of the Testator. PW2 is the attesting witness of the Will and PW2

has categorically deposed about the execution of the last Will dated 17.07.2007 and attestation. Therefore, the execution of the Will and attestation are duly proved in accordance with law. There is no any rival claim against the Will. The available evidences amply proved the execution and attestation of the last Will dated 17.07.2007. Therefore, the petitioner has proved the Will in the manner known to law and he is entitled to the relief as prayed for in the petition.

6. Therefore, this Original Petition is *allowed* and Letter of Administration, in respect of the Will and Testament dated 17.07.2007 executed by the testator Mr. S. Poongavanam (deceased) S/o. M. Singaravel in favour of the petitioner, is granted.

7. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the

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deceased more fully described in the schedule. The petitioner is 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 petitioner is further directed to render true and correct

accounts once in a year.

03.09.2025

Index : Yes/No

Speaking Order : Yes/No

mjs

List of Petitioner side Witnesses:

PW1 : Mr. P. Kumaragurudasan

PW2 : Mr. S. Murugan

List of Petitioner side Documents:

Ex.P.1. : Original Registered Will executed by Late
Mr. S. Poongavanam vide Doc. No.100/2006
dated 27.07.2006.

Ex.P.2. : Original Modified Will executed by Late

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Mr. S. Poongavanam dated 17.07.2007.

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Ex.P.3.

: Photocopy of the Death Certificate of
Mr. S. Poongavanam dated 12.11.2008 (Date of
Death: 31.10.2008).

Ex.P.4.

: Photocopy of the Sale deed dated 30.03.1994.

Ex.P.5.

: Photocopy of the Sale deed dated 03.06.1999.



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