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O.P.No.499 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.499 of 2024

R.Srinivasan

...Petitioner

VS.

1.R Ramachandran

2.Shantha G

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules for grant of Letters of Administration with Will annexed, prays that

a) Letters of Administration with the Will dated 22.01.2012 annexed may be granted to him as the elder son and one of the beneficiaries of the Will of the deceased having effect throughout the State of Tamilnadu.

b) Pass such further or other orders as this Hon'ble Court may deem fit in the facts and circumstances and thus render justice.

For Petitioner : Mr.C.P.Prasanth Gopal

For Respondents : 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 22.01.2012 executed by Late.Mr.S.R.Rakhunathan, who died on 19.06.2023. The petitioner and the first respondent are the sons of the Testator, whereas the second respondent is the sister of the Testator. The wife of the Testator Late.Mrs.Padma Rakunathan predeceased the testator on 06.09.1990 leaving behind the petitioner and the first respondent as the only legal heirs of the testator. The petitioner along with both respondents are the only beneficiaries named under the said will. There has been no executor appointed for the said will dated 22.01.2012. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The petitioner has examined himself as PW1. The certified copy of the original Will and testament dated 22.01.2012 has been marked as Ex.P2. He has produced the death certificate of the testator as Ex.P4. The legal heirship certificate of the testator has been marked as Ex.P5. On perusal of the Ex.P5, it is clear that the testator had a wife who predeceased him leaving behind the petitioner and first respondent as the only legal heirs. From Ex.P2 it can be deduced that the petitioner and both the respondents are named as



the beneficiaries under the said will dated 22.01.2012.

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3. The petitioner has examined Mr.Sunder Balakrishnan, who is the second attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator and its attestation by him and has marked his affidavit as Ex.P18.

4. The first and second respondents have been examined as PW3 and PW4 respectively. Both the respondents have given their consent in favour of the petitioner to receive the Letter of Administration and their consent affidavits which are marked as Ex.P20 and Ex.P21. The Paper Publications were made and are marked as Ex.P13 and Ex.P14, no objections have been received for the same.

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 petitioner, in respect of the Will dated 22.01.2012 of the testator Late.Mr.S.R.Rakhunathan. 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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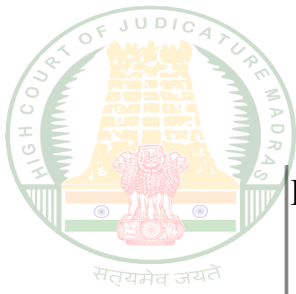
Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.R.Srinivasan
P.W.2 – Mr.Sunder Balakrishnan
P.W.3 – Mr.R.Ramachandran
P.W.4 - Mrs.Shantha Gopinathan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the sale deed dated 11.01.1994 executed in favour of Mr.S.R.Rakhunathan.
Ex.P2	Original Will dated 22.01.2012 executed by Mr.S.R.Rakhunathan.

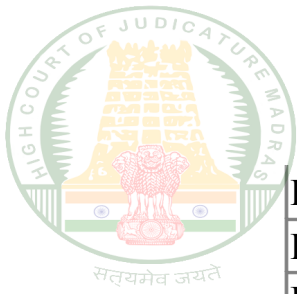


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Ex.P3	Photocopy of probate order passed in O.P.No.543 of 1993 by this Hon'ble High Court on 25.10.1993 (Compared with the original)
Ex.P4	Computer generated death certificate of Mr.S.R.Rakhunathan.
Ex.P5	Computer generated legal heir certificate of Mr.S.R.Rakhunathan.
Ex.P6	Online printout of certificate of extract from the permanent land register in respect of the petition mentioned property.
Ex.P7	Online printout of certificate of extract from the permanent land register in respect of the petition mentioned property.
Ex.P8	Online printout of property tax assessment revision for the year 2022-2023 in respect of the property mentioned in the petition.
Ex.P9	Online printout of property tax assessment revision for the year 2022-2023 in respect of the property mentioned in the petition.
Ex.P10	Online printout of property tax assessment revision for the year 2022-2023 in respect of the property mentioned in the petition.
Ex.P11	Affidavit under Section 65 B of the Indian Evidence Act, 1872.
Ex.P12	Affidavit of assets showing the net value of the estate as Rs.2,20,00,000/-
Ex.P13	Copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 05.11.2024.
Ex.P14	Copy of the paper publication effected in one issue of English daily "Trinity Mirror" dated 12.11.2024.
Ex.P15	Photocopy of my Aadhar Card (Compared with the original)
Ex.P16	Photocopy of 1st respondent Mr.R.Ramachandran (Compared with the original)
Ex.P17	Photocopy of Aadhar Card of 2nd respondent Mrs.G.Shantha (Compared with the original)
Ex.P18	Affidavit.



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Ex.P19	Photocopy of Aadhaar Card (Compared with the original)
Ex.P20	Consent affidavit.
Ex.P21	Consent affidavit.

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K.KUMARESH BABU, J.

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