



WEB COPY

O.P.No.324 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.02.2025**

CORAM

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

O.P.No.324 of 2024

Mrs.Indira Gopinath

...Petitioner

VS.

1.Ms.M.D.Kanthamani
2.Mr.M.D.Ramaswamy
3.Ms.S.Padma
4.Ms.Vanitha
5.K.G.Ramesh

...Respondents

PRAYER: Original Petition filed under Sections 232 & 276 of the Indian Succession Act, Act XXXIX of 1925 and under Order XXV Rule 5 of O.S.Rules, prays that the letters of the administration with the will and codicil to the will annexed may be granted to her as the daughter and beneficiary under the will and codicil of the said deceased having effect through the State of Tamil Nadu.

For Petitioner : Mr.A.S.Ashif Mohammed

For Respondents : No appearance

**ORDER**

WEB COPY

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will and Codicil 24.12.1987 and 25.12.1987 executed by late.M.R.Doraiswamy Iyengar, who died on 19.10.1994. The petitioner and the respondents 1 to 4 are the children of the testator and the fifth respondent is the grandson of the testator and the only surviving legal heirs of the testator. The testator has not appointed an executor under the Will. 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 herself as PW1. She has produced the computer generated death certificates of the Testator and testator's wife along with Section 65 B certificate as Ex.P2 and Ex.P3. The original registered will and Codicil 24.12.1987 and 25.12.1987 as Ex.P1. The legal heir certificate of the testator as Ex.P5. On perusal of the Ex.P5, it clearly exhibits that the petitioner and the respondents 1 to 4 are the children of the testator. On perusal of the Ex.P1, it is shows that the fifth respondent is the son of the petitioner and the grandson of the testator. The petitioner and the respondents are the only surviving legal heirs of the testator



WEB COPY

late.M.R.Doraiswamy Iyengar. The paper publications have been made and marked as Ex.P9 and Ex.P10. Objections have not been received from any persons. The respondents inspite of service of notice on them, they kept themselves away from the proceedings.

3. The petitioner has examined Mr.S.Saravanan, who is the son of first attester as PW3. He has spoken about his father's signature in the Will and marked the legal heirship certificate of the first attester as Ex.P13. Mr.Om Prakash, who is a third party has been examined as PW2. He has spoken about the signature of the testator in the Will and codicil and has marked his affidavit as Ex.P11.

4. 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.

5. 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 and Codicil dated 24.12.1987 and 25.12.1987 of the



testator late.M.R.Doraiswamy Iyengar. 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.

27.02.2025

kak

Index :Yes/No

Petitioner's witness:

P.W.1 - Mrs.Indira Gopinath

P.W.2 – Mr.M.Om Prakash

P.W.3 – Mr.S.Saravanan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will dated 24.12.1987 and Codicil dated 25.12.1987 executed by Mr.M.R.Doraiswamy Iyengar.
Ex.P2	Computer generated death certificate of Mr.M.R.Doraiswamy Iyengar along with certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P3	Computer generated death certificate of Mrs.Jayammal Doraiswamy Iyengar along with certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P4	Photocopy of the sale deed dated 12.11.1960 executed in favour of Mr.M.R.Doraiswamy Iyengar (Compared with the original)
Ex.P5	Photocopy of the legal heir ship certificate of Mr.Doraisami Iyengar (Compared with the original)



WEB COPY

<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Computer generated death certificate of Mr.S.Shanmuga Sundaram who is one of the attestors to the above said Will and Codicil along with certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P7	Computer generated death certificate of Mr.K.G.Rajagopal who is the another attestor to the above said Will and Codicil along with certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.1,16,97,060/-
Ex.P9	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 11.09.2024.
Ex.P10	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 18.09.2024.
Ex.P11	My affidavit
Ex.P12	Photocopy of my Aadhaar Card (Compared with original)
Ex.P13	Computer generated legal heir ship certificate of my father along with 65 B certificate.
Ex.P14	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P15	Photocopy of the Aadhaar Card of my father (Witness states that the original is lost. This document is marked subject to is admissibility, proof and relevancy)

27.02.2025

kak



WEB COPY

O.P.No.324 of



K.KUMARESH BABU, J.

kak

O.P.No.324 of 2024

27.02.2025