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O.P.No.181 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2025**

CORAM

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

O.P.No.181 of 2022

RM.Ramasamy

...Petitioner

VS.

1.Krishnan Muthiah @ Krishnan
2.CT.Arunachalam
3.RM.Nagappan
4.RM.Senthil
5.RM.Muthu
6.RM.Unnamalai
7.PL.Alagappan (Deceased)
8.PL.Muthu
9.PL.Subramaniyan
10.Seetha Lakshmi (Deceased)
11.Ulagammai
12.AL.Vasantha
13.AL.Sharadha
(7th respondent deceased, 12th and 13th respondent
the legal heirs of 7th respondent brought on
record as per order dated 14.08.2023 in
A.No.1652 of 2023 in O.P.No.181 of 2022)

14.Vasantha Valliappan
15.Ramanathan Govindan
16.Annamalai Ramanathan
(10th respondent Deceased, 14th, 15th and 16th respondents
the legal heirs of 10th respondent brought on record



as per order dated 04.01.2024 in A.Nos.6889, 6890
& 6891 of 2023)

...Respondents

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PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925, read with Order XXV, Rule 5 of the Original Side Rules, 1956 and as per Form No.59 of the O.S. Rules, praying to grant Letters of Administration with Will annexed of the properties and credit of deceased to the petitioner as grandson and beneficiary under the Will of the deceased dated 30.05.1990 having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.PL.Narayanan

For Respondents : M/s.Kevin Sagaya Lazarus
(For R14 to R16)
No appearance for R1 to R6
R7 & R10 – Deceased
No appearance for R8, R9, R11 to R13

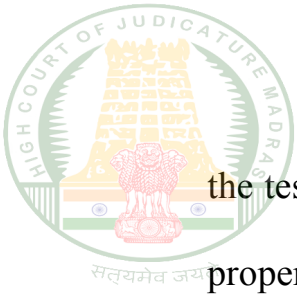
ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 30.05.1990 executed by Late Mrs.Umayal Achi, who died on 14.06.1993. The petitioner is the grandson of the testatrix through her predeceased son Late Mr.Ramasamy Chettiar.



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2. The petitioner states that the testatrix Late Umayal Achi got married to one Mr.S.K.Muthaiah and the couple in their duration of marriage had begotten 7 children, viz., 1st respondent, Late Mr. Ramasamy Chettiar, Late C.T.Valliammai, R.M.Visalakshi, 10th respondent, Mrs.Devivanai and Meenakshi. The petitioner submits that he had impleaded the legal heirs of the daughters of the testatrix as the respondents 2 to 16 to this petition. The 10th respondent who is the daughter of testatrix had died and hence her legal heirs are brought on record as respondents 14 to 16 *vide* order dated 04.01.2024 in Application Nos. 6889,6890 and 6891 of 2023. The 7th respondent died and petitioner had impleaded the respondents 12 and 13 *vide* order dated 14.08.2023 in the Application No. 1652 of 2023. The petitioner submits that the testatrix before her death had executed a Will on 30.05.1990 in which she had bequeathed the immovable property mentioned in the schedule to the petition in favour of her elder son and grandson, 1st respondent herein and the petitioner. The testatrix had also explicitly mentioned in her Will that her second son Mr.Ramasamy Chettiar had already predeceased at the time of the execution of the Will. Therefore the petitioner as one of the beneficiary to the Will dated 30.05.1990, executed by



the testatrix, 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 petitioner is examined as PW1 and she had produced 7 documents to support her deposition which are listed as Ex.P1 to Ex.P7 at the foot of the order. She had marked the Original Will dated 30.05.1990 executed by the testatrix as Ex.P2. The original death certificate of the testatrix has been marked as Ex.P1. The original legal heirship certificate of the testatrix has been marked as Ex.P3. The photocopy of the Sale Deed dated 28.06.1941 has been marked as Ex.P4. The perusal of Ex.P2 substantiates the claims made in the petition that the 1st respondent and the petitioner who is the son of Mr. Ramasamy Chettiar are the only beneficiaries named in the Will executed by the testatrix. The general Paper publications has been effected which are marked as Ex.P6 and Ex.P7 and no objections have been received for the same.

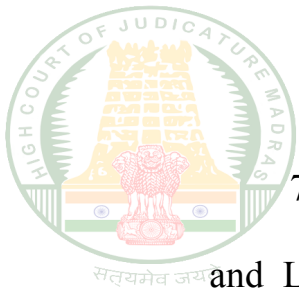
4. The service of notices upon the respondents 1 to 16 has been completed. The consent affidavit of the 10th respondent expressing his consent to grant the Letters of Administration in favour of the petitioner has



been filed along with the petition. The consent affidavit of the 15th and 16th respondent expressing their consent to grant the Letters of Administration in favour of the petitioner has been filed. The learned counsel for the respondents 14 to 16 has appeared on behalf of them and had expressed the consent of the respondents and reiterated the consent affidavits filed. In spite of the service being completed the respondents 1 to 6, 8 to 9 and 11 to 13 kept themselves away from the proceedings.

5. The petitioner had examined one Mr.G.Muthiah as PW2 who is the son of the 1st attesting witness Mr.Govinda Chettiar. PW2 is examined as a 3rd party witness *vide* order dated 24.04.2025 in Application No.1945 of 2025. He has identified the signature of his father Mr.Govinda Chettiar who has signed as the 1st attesting witness to Ex.P2 and has marked his affidavit as Ex.P8.

6. 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



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7. 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 30.05.1990 of the testator Late Mrs.Umaiya! Achi. 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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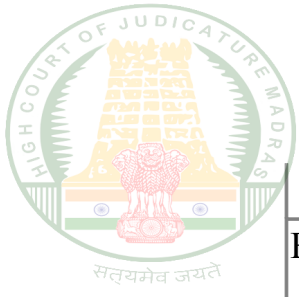
Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.R.M.Ramasamy

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original death certificate of Mrs.Umaiya! Achi.
Ex.P2	Original Will dated 30.05.1990 executed by Mrs.Umaiya! Achi.
Ex.P3	Original legal heirship certificate of Mrs.Umaiya! Achi.
Ex.P4	Photocopy of the sale deed dated 28.06.1941.(Compared with the original)
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.4,00,00,000/-
Ex.P6	Copy of paper publication effected in one issue of Tamil



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	daily “Makkal Kural” dated 07.03.2025.
Ex.P7	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 14.03.2025.

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