



O.P.No.448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.04.2025**

CORAM

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

O.P.No.448 of 2024

N.S.Narayanan

... Petitioner

VS

1. N.S.Vijayaraghavan
2. N.S.Viyas
3. N.S.Ajith Kumar
4. Prabha Rajan
5. Rama Krishnasayee

.... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 praying to grant Letters of Administration with the Will annexed to the petitioner as elder brother/beneficiary under the Will of the deceased to effect limited to the State of Tamil Nadu.

For Petitioners : Mr.G.Senthil Kumar

For Respondents : Mr.N.Ranganathan
For R.1, R.3 and R.5

For R.2 and R.4 – No appearance



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ORDER

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 24.11.2022 executed by Late.Ms.N.S.Rukmani, who died on 18.11.2023. The petitioner along with the respondents 1 to 3 are the brothers of the testatrix whereas the 4th and 5th respondents are the sisters of the testatrix. The petitioner submits that the testatrix became the absolute owner of the property mentioned in the schedule through the partition deed executed under Document No.28 of 2001 dated 03.01.2001. He further submits that the testatrix remained unmarried throughout her life and died as a spinster on 18.11.2023, thereby leaving behind no immediate legal heirs. The testatrix executed a Will on 24.11.2022, where she named the petitioner as the sole and absolute beneficiary of the property under the said Will. The petitioner also submits that no executor has been appointed under the said 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 himself as PW1. He has produced the certified copy of the original Will and testament dated 24.11.2002 as Ex.P1. The death certificate of the Testatrix has been marked as Ex.P6. The legal heir



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certificate of Late.Mrs.Rajalakshmi Gopalan, mother of testatrix, has been

marked as Ex.P.3. The photocopy of the partition deed dated 03.01.2001 has been marked as Ex.P4. The respondents 1 to 5 have given their consent to grant the letter of administration in favour of the petitioner through their respective consent affidavits which were filed along with the petition. From Ex.P3 the legal heir certificate of the testatrix's mother Late.Mrs.Rajalakshmi Gopalan, it can be deduced that the petitioner is the elder brother of the testatrix and all the respondents are the other siblings of the testatrix. The perusal of Ex.P1 makes it clear that the petitioner is named as the sole and absolute beneficiary under the Will dated 24.11.2022.

3. The petitioner has examined Mr.C.N.Krishna Sayee, who is the 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 her affidavit as Ex.C1. The general paper publications have been made and no objections were received for the same.

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.



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5. 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 24.11.2022 of the testatrix Late.Ms.N.S.Rukmani. 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

Speaking: Yes/ No

Neutral Citation: Yes/No



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Petitioners' witness:

P.W.1 – Mr.N.S.Narayanan

P.W.2 – Mr.C.N.Krishna Sayee

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Original Will executed by Late Ms.N.S.Rukmani dated 24.11.2022.
Ex.P.2	Photocopy of the Death Certificate of Rajalakshmi Gopalan dated 28.09.1993.
Ex.P.3	Photocopy of the Legal Heir Certificate of Rajalakshmi Gopalan dated 26.07.1994.
Ex.P.4	Photocopy of the Registered Partition by Family Arrangement dated 03.01.2001.
Ex.P.5	Photocopy of the Property Tax Demand Card and paid Receipt issued in the name of Rajalakshmi dated 14.09.2001.
Ex.P.6	Downloaded copy of the Death Certificate of the testatrix N.S.Rukmani dated 18.11.2023.
Ex.P.7	Photocopy of the Aadhaar Card of the petitioner N.S.Narayanan
Ex.P.8	Photocopy of the Pan Card of the petitioner N.S.Narayanan
Ex.P.9	Photocopy of the Aadhaar Card of the 1 st respondent, i.e., N.S.Vijayaraghavan
Ex.P.10	Photocopy of the Aadhaar Card of the 2 nd respondent, i.e., N.S.Vyas
Ex.P.11	Photocopy of the Aadhaar Card of the 3 rd respondent, i.e., N.S.Ajit Kumar
Ex.P.12	Photocopy of the Pan Card of the 4 th respondent, i.e., Prabha Rajan.
Ex.P.13	Photocopy of the Aadhaar Card of the 5 th respondent, i.e., Rama Krishnasayee.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P.14	Photocopy of the TNSC Bank Pass Book of N.S.Rukmani (Testatrix)
Ex.P.15	Photocopy of the SBI Bank Pass Book of N.S.Rukmani (Testatrix)
Ex.P.16	Photocopy of the Aadhaar Card of N.S.Rukmani (Testatrix)
Ex.P.17	Downloaded copy of the Valuation Report
Ex.P.18	Affidavit of Assets dated 06.06.2024
Ex.C.1	Affidavit of Attesting Witness dated 06.06.2024

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