



O.P.No.273 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: **04.03.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.273 of 2021

V.Ramesh

... Petitioner

Vs

1.C.Sumathi

2.V.Suresh

... Respondents

PRAYER: Original Petition filed for Letters of Administration under Sections 232, 265 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 prays that Letters of Administration with the Will may be granted to the petitioner as Son/Legatee/Beneficiary under the Will of the said deceased thereof to have effect limited to the State of Tamil Nadu and limited to the assets in the affidavit or assets.

For Petitioner : Mr.C.Samivel

For Respondents : Set exparte

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 26.06.2009 executed by late.M.Veerassamy, who died on 12.07.2009. The petitioner and the



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respondents are the children of the testator. The petitioner and the

respondents are the beneficiaries under the will. 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 himself as PW1. He has produced the death certificates of the Testator and his wife as Ex.P1 and Ex.P3. The certified copy of will and testament dated 26.06.2009 as Ex.P2. On perusal of the Ex.P2, the testator had bequeathed his property to his children, who are the petitioner and respondents herein. The respondents inspite of service of notice on them, had kept themselves away from this proceedings and set exparte on 24.01.2024.

3. The petitioner has examined Mr.G.Venkataesan, 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.P7.

4. The assertions in the petition have been duly proved by adducing



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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 petitioner, in respect of the Will dated 26.06.2009 of the testator late.M.Veerasamy. 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



Petitioner's witness:

P.W.1 — Mr.V.Ramesh

P.W.2 – Mr.G.Venkatesan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mrs.Kasthuri
Ex.P2	Certified copy of Will dated 26.06.2009 executed by Mr.M.Veerasamy (The witness states that the original Will is in the possession of the first respondent herein and he has refused to produce the Will despite serving with notice. Hence, the certified copy of this Will is marked subject to its admissibility, proof and relevancy)
Ex.P3	Computer generated death certificate of Mr.M.Veerasamy
Ex.P4	Original valuation report dated 26.02.2018 given by Mr.G.Chellaiash Sarathy in respect of the schedule mentioned property.
Ex.P5	Photocopy of PW-1's Aadhaar Card (Compared with the original)
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.8,02,721/-
Ex.P7	PW-2's affidavit
Ex.P8	Photocopy of PW-2's Aadhaar Card (Compared with the original)

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