



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.03.2025

CORAM

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

O.P.No.77 of 2024

T.S.Sivakumar (since deceased)

1. S. Karthikeyan
2. S.Arul Nandhisivam
- 3.S.Pavithra
- 4.T.Parvathavarthini

(Petitioners 2 to 4 have been impleaded
as the legal representatives of the deceased
T.S.Sivakumar, by Order dated 14.12.2023
in A.No.6654 of 2023)

... Petitioners

VS

- 1.S.Kasthuri
- 2.S.Sundararaman
- 3.S.Arunachalam

.... Respondents

PRAYER: Original Petition filed for Letters of Administration 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 for praying to grant Letters of Administration with the certified copy of the Will of the testator late T.S.Swaminathan dated 03.04.1998 annexed in favour of the petitioners as sons/beneficiaries under the will of the deceased having effect throughout the State of Tamilnadu.



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For Petitioners : Mr.Anukriti Anand
For Mr.Sharath Chandran

For Respondents : Mr.H.Shabeer Ahamed
For Mr.A.Saranraj
For R.2

For R.1 and R.3 – No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 03.04.1998 executed by late.T.S.Swaminathan Gurukul, who died on 21.01.2019. The original petitioners and the respondents 2 and 3 are the sons of the testator and the first respondent is the wife of the testator. The testator has not appointed an executor under the Will. The T.S.Swaminathan Gurukul died in *lis pendens* and his legal heirs were brought on record as the petitioners 2 to 4 vide order dated 14.12.2023. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The first petitioner S.Karthikeyan has been examined as PW1. He has produced the certified copy of the registered Will and Testament dated 03.04.1998 as Ex.P4. The photocopy of the death certificate of the testator as Ex.P6. The photocopy of the legal heir certificate of the testator as Ex.P7. On



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perusal of the Ex.P7, it shows that the original petitioner and the respondents 2 and 3 are the sons of the testator and the first respondent is the wife of the testator. The respondents 1 and 3 inspite of notice served on them, kept themselves away from this proceedings. The learned counsel for the second respondent submitted the consent to grant letters of administration in favour of the petitioners herein.

3. The petitioner has examined B.Rajasekar, 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.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are 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 dated 03.04.1998 of the testator T.S.Swaminathan Gurukal. The petitioners are 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 petitioners are further directed to file an

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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



Petitioners' witness:

P.W.1 - Mr.S.Karthikeyan

P.W.2 – Mr.B.Rajasekar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Certified copy of Settlement Deed executed by Senathipathi Gurukkal in favour of Swaminatha Gurukkal dated 23.12.1981. (Compared with the original)
Ex.P.2	Certified copy of the Settlement Deed executed by Senathipathi Gurukkal in favour of Swaminatha Gurukkal dated 11.02.1981. (Compared with the original)
Ex.P.3	Certified copy of the Sale Deed executed by Lalithammal, Krishnamoorthi and Ravi in favour of Swaminatha Gurukkal dated 19.12.1983 (Compared with the original)
Ex.P.4	Certified Copy of the Will executed by the deceased T.S.Swaminathan Gurukkul dated 03.04.1998.
Ex.P.5	Certified copy of the Partition Deed dated 29.04.2002.
Ex.P.6	Photocopy of the Death Certificate of Mr.T.S.Swaminathan Gurukkal issued by Department of Public Health dated 13.02.2021
Ex.P.7	Photocopy fo the Legalheir Certificate of Mr.T.S.Swaminathan Gurukkal dated 20.04.2021.

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