



O.P.No.541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2025

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.541 of 2024

R.Jagadeesan

... Petitioner

Vs.

1.A.Raghavan
2.R.Venkatesan
3.P.Suchitra
4.P.Sumitha

... Respondents

Prayer: Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act 1925 read with Order XXV Rule 5 of Original Side Rules for grant of Letters of Administration with Will dated 07.09.1998, annexed of the properties and credits of deceased may be granted to the petitioner as son/beneficiary under the Will of the said deceased to have effect throughout the whole State of Tamil Nadu.

For Petitioner : Mr.S.Lakshmi

For Respondent : Mr.A.Ragupathy Raj



O.P.No.541 of 2024

ORDER

WEB COPY

The Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act 1925 read with Order XXV Rule 5 of Original Side Rules seeking the grant of letters of administration in respect of the last *Will* and testament of late R.Pitchaiammal, who died on 06.12.2023 at Chennai.

2. During her lifetime, she executed a *Will* dated 07.09.1998, which was duly registered as document No.54 of 1998, on the file of the SRO, Ashok Nagar. In the *Will*, she described the acquisition of her properties and distribution of her property earlier through proper documentation to her daughter, Anusuya Devi and another son, Venkatesan. As per the *Will*, the suit scheduled property has been bequeathed to the petitioner herein. Since no executor was named in the *Will*, the present petition has been filed for the grant of letters of administration based on the *Will* of late R.Pitchaiammal.

3. To prove the petition, the petitioner has mounted the witness box and was examined as PW.1, 13 documents were marked as Ex.P1 to Ex.P13. The first attesting witness was examined as PW.2 and the affidavit of the witness was marked as Ex.P14.



O.P.No.541 of 2024

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Certified copy of the sale deed dated 12.12.1980 executed in favour of Mrs.Pitchaiammal
Ex.P.2	Certified copy of the sale deed dated 10.05.1985 executed in favour of Mrs.Pitchaiammal
Ex.P.3	Original registered Will and Testament dated 07.09.1998 executed by Mrs.R.Pitchaiammal
Ex.P.4	Computer generated death certificate of Mr.L.Perumal.
Ex.P.5	Computer generated death certificate of Mrs.P.Anusuya Devi.
Ex.P.6	Computer generated legal heir ship certificate of Mrs.P.Anusuya Devi.
Ex.P.7	Computer generated death certificate of Mrs.P.Pitchaiammal
Ex.P.8	Computer generated legal heir ship certificate of Mrs.Pitchaiammal.
Ex.P.9	Photocopy of my Aadhaar Card
Ex.P.10	Affidavit of assets showing the net value of the estate as Rs.2,36,95,500/-
Ex.P.11	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 01.11.2024.
Ex.P.12	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 08.11.2024
Ex.P.13	Affidavit under Section 65 B of the Indian Evidence Act, 1872.

4. The *Will*, which was marked as Ex.P3, a duly registered *Will*. The attesting witness had deposed that he witnessed the testatrix affixing her signature on the *Will* and subsequently, affixed his signature. He identified the signature of the testatrix, R.Pitchaiammal, as well as the signatures found in the *Will*, marked as Ex.P3. The attesting witness further deposed that the testatrix was in a good state of mind and health at the time of affixing her signature. The other legatees of R.Pitchaiammal, namely her son Venkatesan, and the legal heirs of her deceased daughter, Anusuya Devi, have been arrayed as respondents, including the husband



O.P.No.541 of 2024

of the deceased R.Pitchaiammal. All these respondents have filed their consent affidavit along with petition.

5. Considering the fact that the paper publication inviting objections, if any, by interested parties has not elicited any response and in view of the fact that the *Will* of R.Pitchaiammal has been duly proved as per the procedure required under Section 67 of BSA Act and the other legatees have given their consent for granting of letters of administration in favour of the petitioner, the petition for the grant of Letters of Administration in favour of the petitioner namely R.Jagadeesan is granted on the following terms:

(i) Letters of Administration to be issued in accordance with Rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu.

(ii) 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-II) of this Court.

(iii) 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.



O.P.No.541 of 2024

6. In the result, this ***Original Petition is hereby allowed.***

WEB COPY

24.01.2025

Index: Yes/No.

Internet : Yes/No.

rpl

Petitioner's witness:

P.W.1 –R.Jagadeesan

P.W.2 _E.S.Ravindaran

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Certified copy of the sale deed dated 12.12.1980 executed in favour of Mrs.Pitchaiammal
Ex.P.2	Certified copy of the sale deed dated 10.05.1985 executed in favour of Mrs.Pitchaiammal
Ex.P.3	Original registered Will and Testament dated 07.09.1998 executed by Mrs.R.Pitchaiammal
Ex.P.4	Computer generated death certificate of Mr.L.Perumal.
Ex.P.5	Computer generated death certificate of Mrs.P.Anusuya Devi.
Ex.P.6	Computer generated legal heir ship certificate of Mrs.P.Anusuya Devi.
Ex.P.7	Computer generated death certificate of Mrs.P.Pitchaiammal
Ex.P.8	Computer generated legal heir ship certificate of Mrs.Pitchaiammal.
Ex.P.9	Photocopy of my Aadhaar Card
Ex.P.10	Affidavit of assets showing the net value of the estate as Rs.2,36,95,500/-
Ex.P.11	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 01.11.2024.
Ex.P.12	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 08.11.2024
Ex.P.13	Affidavit under Section 65 B of the Indian Evidence Act, 1872.

24.01.2025



WEB COPY



O.P.No.541 of 2024

Dr.G.JAYACHANDRAN, J.

rpl

Original Petition No.541 of 2024

24.01.2025