



O.P.No.791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Original Petition No.791 of 2023

R. Suresh Kumar

... Petitioner

Prayer:- This Original Petition has been filed under Sections 232 and 276 of Indian Succession Act, 1925 r/w order XXV Rule 5 of the Original Side Rules for grant of letters of administration to the petitioner with the original of the Will dated 27.12.2019 annexed to the petitioner as the legatee under the last Will and Testament of the said deceased M.Thiruniraiselvi having effect throughout the State of Tamil Nadu.

For petitioner : Mr.K.Sivasubramanian

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 27.12.2019 executed by late.M.Thiruniraiselvi, who died on 03.04.2023. The testatrix married to



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one G.Murugesu Mudaliar and begotten a son G.M.Elangovan. The husband of the testatrix and the son are dead. The son G.M.Elangovan was married to one B.Sasikala and the said marriage was dissolved on 23.11.2017. The petitioner is not related by blood to the Testatrix. The petitioner was brought up by the testatrix as her son and executed the will in his favour. The petitioner is the only beneficiary 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 computer generated death certificates of the Testatrix, her husband and her son as Ex.P7, Ex.P2 and Ex.P4. The original registered will and testament dated 27.12.2019 as Ex.P6. The legal heir certificate of the predeceased testatrix's son as Ex.P5. On perusal of the Ex.P5, it clearly exhibits that the son of the testatrix had his mother alone as his surviving legal heir. The testatrix died without class-I legal heirs since her only son predeceased testatrix.

3. The petitioner has examined Mr.N.Govindarajan, who is the



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first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him and has marked his affidavit as Ex.P11.

4. 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 27.12.2019 of the testatrix late.M.Thiruniraiselvi. 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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Internet : Yes / No

Index : Yes / No



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Petitioner's witness:

P.W.1 – Mr.R.Suresh Kumar

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Photocopy of the sale deed dated 15.02.1962 executed in favour of Mrs.M.Thiruniraiselvi (compared with the original)
Ex.P.2	Computer generated death certificate of Mr.G.Murugesan
Ex.P.3	Photocopy of the order dated 23.11.2017 passed in H.M.O.P.No.987 of 2012 by the VI Additional Family Court, Chennai (This document is marked subject to its admissibility, proof and relevancy).
Ex.P.4	Computer generated death certificate of Mr.Elangovan
Ex.P.5	Computer generated legal heir certificate of Mr.Elangovan
Ex.P.6	Original registered Will and Testament dated 27.12.2019 executed by Mrs.M.Thiruniraiselvi.
Ex.P.7	Computer generated death certificate of Mrs.M.Thiruniraiselvi
Ex.P.8	Affidavit of assets showing the net value of the estate as Rs.1,49,90,000/-
Ex.P.9	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 19.02.2024.
Ex.P10	Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 26.02.2024.

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