



O.P.No.605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.10.2025

Coram:

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P.No.605 of 2023

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Mr.P.M.Keerthi Ganesh

.. Petitioner

Vs.

1. M.H.Ravindranath

2. M.H.Kalavathy

3. M.H.Mallika

.. Respondents

Original Petition filed under Sections 232 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of the Original Side Rules of this Court, 1956, praying that the Letters of Administration with the Will annexed, may be granted to him as the son of the sister Malliga, beneficiary under the Will of the deceased Mrs.M.H.Subhashini having effect throughout the State of Tamil Nadu.

For petitioner : Mr.E.Karthik Raja

For respondents: Mr.K.Gangadaran for R-1

R-2 served - No appearance

M/s.S.Surekha for R-3



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ORDER

This petition is filed praying that the Letters of Administration with the Will annexed, may be granted to him as the son of the sister Malliga, beneficiary under the Will of the deceased Mrs.M.H.Subhashini having effect throughout the State of Tamil Nadu.

2. According to the petitioner, the testator M.H.Subhashini is the maternal aunt of the petitioner, i.e. the petitioner is the son of the deceased M.H.Subhashini's (deceased) own sister M.H.Mallika and the testator died on 29.11.2022. During her lifetime, she has executed two Wills, one in favour of Mr.P.M.Keerthi Ganesh, the son of her sister Mallika and another in favour of Mr.Narendranath Mepur Ravindranath, the son of her brother Mr.Mepur H.Ravindranath, for two different properties. The petitioner included the heirs of M.H.Subhashini in the petition and the whereabouts of the husband of the deceased M.H.Subhashini, namely T.H.Balachandran, are not known to the petitioner. The Will dated 19.11.2022 was executed by her in favour of the petitioner, is the last Will and testament of the said Mrs.M.H.Subhashini and the petitioner included all the next kins of the deceased as parties in this petition.

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The above said Will is an unregistered Will.

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3. After filing of the petition, this Court directed the petitioner to effect paper publication and the same has been effected. There are no objections by any parties and thereafter, the matter has been referred for recording evidence on the side of the petitioner. The petitioner was examined as P.W.1 and one Mr.T.Dhayamanoharan was examined as P.W.2 and Exs.P-1 to P-10 were marked. Ex.P-1 is the original Will and testament, dated 19.11.2022 executed by Mrs.M.H.Subhashini.

4. On a careful perusal of the exhibits marked, it is seen that the deceased is the owner of the property and she has executed the Will, dated 19.11.2022 in favour of the petitioner. There are no executors appointed in the Will. P.W2 is the attesting witness of the Will and P.W.2 has deposed about the two Wills executed and there are no objectors. On behalf of respondents 1 and 3, they are represented through a counsel and they have no objection to grant Letters of Administration in favour of the petitioner. There is no appearance for the second respondent and not appeared after due service of notice through publication.

5. Therefore, this Court is convinced with the evidence of the petitioner.

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The Will has been duly proved in accordance with law. Hence, this petition is allowed and the Letters of Administration is granted in favour of the petitioner, having effect through the State of Tamil Nadu. The petitioner is directed to execute a bond for Rs.25,000/- (Rupees twenty five thousand only) before the Assistant Registrar (O.S-II), High Court, Madras. As undertaken by the petitioner in the affidavit, the petitioner is directed to duly administer the property and credits of the said Mrs.M.H.Subhashini, deceased, in any way concerning her Will by paying first her debts and then the legacies therein bequeathal so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in the Court within six months from the date of grant of Letters of Administration with Will annexed, to the petitioner and also to render to this Court a true account of the property and credits, within one year from the said date.

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