



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.237 of 2023

1.Mrs.Poongodi
2.Mr.G.Gokul
3.Mrs.Varsha

...Petitioners

vs.

1.Mr.P.Baskaran
2.Mr.P.Govardhanan
3.Mrs.Poongothai (deceased)
4.Mrs.Sasikala
5.Mr.R.Nagarajan
6.Mrs.Nithya Kalyani
7.Mrs.Kokila

...Respondents

PRAYER: Original Petition filed under Section 232 & 276 of Indian Succession Act 1925 read with Order XXV Rule 5 of O.S.Rules, prays that the Letters of Administration with the Will annexed may be granted to them as the grant children/beneficiary under the Will of the said deceased R.Parthasarathy having effect limited the State of Tamil Nadu.

For Petitioners : Mr.V.Meenakshi Sundaram
For Respondents : Mr.P.Stalin Selvasekaran
(For R1, R2, R4 to R7)
R3 - Deceased

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 27.09.1997 executed by Late.Mr.R.Parthasarthy, who died on 07.09.2018. The first petitioner is the granddaughter of the testator through his son the first respondent, whereas the second and third petitioners are the grandchildren of the testator through his another son the second respondent. The first and second respondents are the sons of the testator whereas the third and fourth respondents are the daughters of the testator. The third respondent died leaving behind the respondents 5 to 7 as her only legal heirs. The petitioner submits that according to the will the first and second respondents hold the life interest in property mentioned in the will, wherein upon attaining the age of majority the petitioners become the absolute beneficiaries for their respective shares as mentioned in the Will. The testator did not appoint any executor under the Will.

2. The first petitioner has examined herself as PW1. She has produced the certified copy of the registered will and testament dated 27.06.1997 as Ex.P1. The computer generated death certificate of the Testator has been marked as Ex.P2. The legal heirship certificate of the testator has been



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marked as Ex.P3. On perusal of the Ex.P3 it is clear that the respondents 1 to 4 are the legal heirs of the testator. From the Ex.P2 it can be deduced that the respondents 1 and 2 hold life interest and the petitioners are the absolute beneficiaries under the said Will dated 27.06.2025. The paper publications were made and are marked as Ex.P7 and Ex.P8, no objections were received for the same. The notice was served to the respondents, the learned counsel for the respondents 1, 2, 4 to 7 have appeared before the court on their behalf, the affidavits expressing their consent of the respondents 1 to 4 to grant the letters of administration in favour of the petitioners were filed along the petition and the consent affidavits of the respondents 5 to 7 have been filed after the service of notice.

3. The petitioner has examined Mr.G.Sekar, who is the first 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 her affidavit as Ex.P9.

4. The second respondent has been examined as RW1, he has given his consent and his affidavit has been marked as Ex.R1.



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5. 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.

6. 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 27.06.1997 of the testator Late.Mr.R.Parthasarthy. 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 inventory of assets and statement of accounts within a period of six months and one year, respectively.

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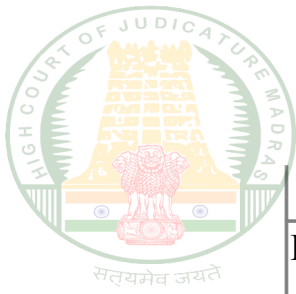
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Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.Poongodi
P.W.2 – Mr.G.Sekar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original registered Will and Testament dated 27.06.1997



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	executed by Mr.R.Parthasarathy Naicker.
Ex.P2	Computer generated death certificate of Mr.R.Parthasarathy.
Ex.P3	Computer generated legal heirship certificate of Mr.R.Parthasarathy.
Ex.P4	Computer generated patta extracted from the town survey land register in respect of the property stands in the name of Mr.R.Parthasarathy.
Ex.P5	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.99,90,000/-
Ex.P7	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 23.11.2024.
Ex.P8	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 30.11.2024.
Ex.P9	Affidavit.
Ex.P10	Photocopy of Aadhar card (Compared with the original)

Respondent's witness:

R.W.1 – Mr.P.Govardhan

Exhibits	Documents
Ex.R1	Consent Affidavit.

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