



WEB COPY

O.P.No.469 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.04.2025**

CORAM

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

O.P.No.469 of 2023

R.Valarmathi

...Petitioner

VS.

1.Mr.P.Ilangovan (Deceased)

2.Mr.P.Thiyagarajan

3.Mrs.P.Kalaivani

4.Mrs.Jayanthi

5.Mr.E.Vigneshwar

6.Saranya

7.Sandhiya

(Respondents 4 to 7 brought on record as Lrs of
the deceased 1st respondent and the amendment carried
out as per order dated 06.03.2024 in Application
Nos.1245, 1246 & 1247 of 2024 in O.P.No.469/2023)

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of Indian Succession Act, 1926 read with Order XXV Rule 5 of O.S. Rules, prays that Letters of Administration with the will annexed may be granted to her as the adoptive daughter of the said deceased having effect throughout the State of Tamilnadu.

For Petitioner : Mr.G.K.Sekar

For Respondents : Mr.R.Sharmila (For R4 to R7)

No appearance (For R1 to R3)

**ORDER**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 12.08.2016 executed by Late.Mr.J.Paramasivam, who died on 27.01.2017. The petitioner submits that the testator had gotten married to one Late.Mrs.Saraswathi and had begotten respondents 1 to 3 as their children. The testator had purchased the property mentioned in the will under the Sale Deed dated 13.08.1973 and has been the absolute owner of the same. The petitioner is the adoptive daughter of the testator. The 1st and 2nd respondents are the sons and the 3rd respondent is the daughter of the testator. The 1st respondent died and the respondents 4 to 7 were brought on record as his legal heirs as per the order dated 06.03.2024 in Application Nos. 1245, 1246 and 1247 of 2024. The petitioner is the only beneficiary named 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 first petitioner has examined herself as PW1. She has produced the original Will and testament dated 12.08.2016 as Ex.P1. The death certificates of the Testator and Late.Mrs.Saraswathi the wife of the testator



has been marked as Ex.P2 and Ex.P4. The legal heir certificate of the Late.Mrs.Saraswathi has been marked as Ex.P5. From Ex.P1 it can be seen that the testator has explicitly stated that the petitioner is his adoptive daughter and had bequeathed the property mentioned in the Will absolutely in her favour.

3. The respondents 2 to 7 have examined themselves as R1 to R6. They have consented to grant the letters of administrations in favour of the petitioner and have filed their proof affidavits.

4. The petitioner has examined Mr.C.R.Shanmugasundaram and Mr.T.Kannan, who are the first and the second attesting witnesses to the said Will as PW2 and PW3. They have spoken about the execution of the Will by the testator and its attestation by them.

5. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.



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6. 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 12.08.2016 of the testator Late.Mr.J.Paramasivam. 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.

29.04.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.R.Valarmathi

P.W.2 – Mr.C.R.Shanmugasundaram

P.W.3 – Mr.T.Kannan

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original WILL executed by the deceased J.Paramasivam bequeathing the property in favour of the petitioner dated 12.08.2016.
Ex.P2	Online copy of the Death Certificate of J.Paramasivam



	dated 27.01.2017.
Ex.P3	Photocopy of the Aadhar Card of J.Paramasivam.
Ex.P4	Online copy of Death Certificate of Saraswathi dated 23.05.2020.
Ex.P5	Online copy of the Legal Heirship Certificate of Saraswathi dated 21.02.202.
Ex.P6	Photocopy of the Aadhar Card of Saraswathi.
Ex.P7	Certified copy of the sale deed in favour of A.Paramasivam dated 13.08.1973.

Respondent's witness:

R.W.1 – Mr.P.Thiyagarajan
R.W.2 – Ms.P.Kalaivani
R.W.3 – Mrs.Jayanthi
R.W.4 – Mr.E.Vigneshwar
R.W.5 – Ms.Saranya
R.W.6 – Ms.Sandhiya

Documents exhibited by the Respondents:

Exhibits	Documents
Ex.R1	Photocopy of the Aadhar card of Thiyagarajan.
Ex.R2	Photocopy of the Aadhar card of Thiyagarajan.
Ex.R3	Photocopy of the Aadhar card of Jayanthi.
Ex.R4	Photocopy of the Aadhar card of Vigneshwar.
Ex.R5	Photocopy of the Aadhar card of Saranya.
Ex.R6	Photocopy of the Aadhar card of Sandhiya.

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