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O.P.No.457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.08.2025**

CORAM

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

O.P.No.457 of 2024

S.Jayalakshmi Alias Meena

...Petitioner

vs.

1.S.Manikkam

2.S.Arul Jayakumar

3.S.Saravana Ramakrishnan

4.M.Sankari

5.M.Shanmugha Balagan

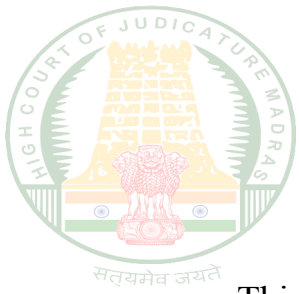
6.M.Chandra Sekar

...Respondents

PRAYER: 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 praying to grant Letters of Administration with the Will annexed to the petitioner as the daughter / beneficiary under the Will of the said deceased Shanmugathammal having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.T.Muthamilselvi

For Respondents : Ms.J.Seema



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ORDER

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 31.12.2009 executed by Mrs.S.Shanmughathammal, who died on 23.10.2020. The petitioner and the respondents 1 to 3 are the children of the testatrix whereas the respondents 4 to 6 are the legal heirs of Late.Mr.S.Murugan who is the predeceased son of the testatrix.

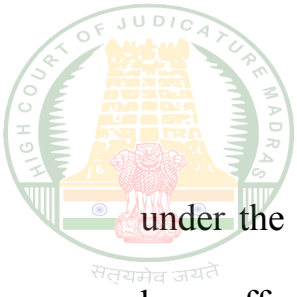
2. The petitioner submits that the testatrix was married to one Mr.Shanmugam who predeceased the testatrix and the couple had begotten the petitioner, respondents 1 to 3 along with one Mr.S.Murugan as their children out of their wedlock. One of the sons of the testatrix Mr.S.Murugan predeceased the testatrix on 04.08.2012 leaving behind his legal heirs who are impleaded as respondents 4 to 6 to this petition. The petitioner further submits that the testatrix before her death had executed a Will on 31.12.2009, through which she had bequeathed two immovable properties which are morefully described as Item No.1 and Item No.2 under the Will, which are absolutely owned by her infavour of the petitioner and the 2nd respondent. In pursuant to the aforesaid Will the immovable property described as Item No.1 is absolutely bequeathed to the petitioner and subsequently the immovable property described as Item No.2 is bequeathed upon



the 2nd respondent. The petitioner contends by the virtue of the above said Will,

she is entitled to the immovable property described as the 1st Item which is situated within the jurisdiction of this Court. Therefore petitioner seeks issuance of Letters of Administration in respect of the property situated within the jurisdiction of this court.

3. The petitioner has examined herself as PW1, she has produced 24 documents to support her deposition which are listed as Ex.P1 to Ex.P24 at the foot of the order. The Original Will executed by the testatrix has been marked as Ex.P2. As the evidence of the Title held by the testatrix towards the immovable property, the photocopy of the Sale Deed dated 09.06.2004 has been marked as Ex.P1. The computer generated death certificate of the testatrix and her predeceased son Late.Mr.Murugan has been marked as Ex.P4 and Ex.P6 respectively. The legal heirship certificate of the testatrix and Late.Mr.Murugan has been marked as Ex.P5 and Ex.P7 respectively. The perusal of the Ex.P5 shows that the petitioner and the respondents 1 to 3 are the only surviving legal heirs of the testatrix. The detail examination of the Ex.P1 clearly substantiates the averments made in the petition, that the petitioner and the 2nd respondent are bequeathed upon with the immovable properties mentioned under Item No.1 and Item No.2 respectively and the petitioner is entitled to the property described

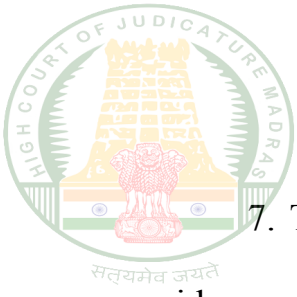


under the Item No.1 in the schedule of the Will. The general paper publications have effected which are marked as Ex.P23 and Ex.P24 and no objections have been received for the same.

4. The 2nd respondent has been chief examined as PW2 and his proof affidavit has been filed. The 2nd respondent in his proof affidavit had stated that he is the beneficiary for the immovable property described as Item No.2 in the Will and has given his consent to grant Letters of Administration in favour of the petitioner and his consent affidavit have been marked as Ex.P18.

5. The petitioner has examined Mr.M.Chandra Sekar, who is the son of Late.Mr.S.Murugan who is predeceased son of the testatrix and is also the second attesting witness to the Will. He has spoken about the execution of the Will by the testatrix and has identified the signature of the testatrix in the Will.

6. The service of notices upon the respondents 1 to 6 has been completed. The respondents 1 to 6 have given their consent to grant the Letters of administration in favour of the petitioner and their respective consent affidavits has been marked as Ex.P17 to Ex.P22. The learned counsel for the respondents 1 to 6 had appeared on behalf of them and has reiterated the respective consent affidavits of the respondents.



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7. 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

8. 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 31.12.2009 of the testator Late.Mrs.S.Shanmughathammal. 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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Index :Yes/No



Petitioner's witness:

P.W.1 – Ms.S.Jayalakshmi Alias Meena

P.W.2 – Mr.S.Arul Jayakumar

P.W.3 – Mr.M.Chandra Sekar

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Photocopy of the Sale Deed in favour of Shanmughathammal dated 09.06.2004. (Original produced, compared and returned).
Ex.P2	Original Will executed by Shanmughathammal dated 31.12.2009.
Ex.P3	Photocopy of the Aadhar card of Shanmughathammal. (Original produced, compared and returned).
Ex.P4	Computer generated copy of the Death Certificate of Shanmughathammal dated 23.10.2020.
Ex.P5	Computer generated copy of the Legal Heir Certificate of Shanmughathammal dated 01.01.2021.
Ex.P6	Computer generated copy of the Death Certificate of Murugan dated 04.08.2012.
Ex.P7	Photocopy of the Legal Heir Certificate of Murugan dated 01.01.2012. (Original produced, compared and returned).
Ex.P8	Photocopy of the Aadhar Card of the petitioner. (Original produced, compared and returned).
Ex.P9	Photocopy of the Ration card of the petitioner.
Ex.P10	Photocopy of the Aadhar card of the 1 st respondent.
Ex.P11	Photocopy of the Aadhar card of the 2 nd respondent. (Original produced, compared and returned)
Ex.P12	Photocopy of the Aadhar card of the 3 rd respondent.
Ex.P13	Photocopy of the Aadhar card of the 4 th respondent.
Ex.P14	Photocopy of the Aadhar card of the 5 th respondent.
Ex.P15	Photocopy of the Aadhar card of the 6 th respondent. (Original produced, compared and returned).



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Ex.P16	Photocopy of the Guideline value of the property.
Ex.P17	Consent Affidavit of the 1 st respondent dated 26.06.2023.
Ex.P18	Consent Affidavit of the 2 nd respondent dated 26.06.2023.
Ex.P19	Consent Affidavit of the 3 rd respondent dated 26.06.2023.
Ex.P20	Consent Affidavit of the 4 th respondent dated 26.06.2023.
Ex.P21	Consent Affidavit of the 5 th respondent dated 26.06.2023.
Ex.P22	Consent Affidavit of the 6 th respondent dated 26.06.2023.
Ex.P23	Paper Publication in the English Newspaper “Southern Mail” dated 05.05.2025.
Ex.P24	Paper Publication in the Tamil Newspaper “Dhina Kural” dated 26.04.2025.

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