



WEB COPY

O.P.No.412 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.07.2025**

CORAM

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

O.P.No.412 of 2024

K.Swaminathan

...Petitioner

VS.

1.G.V.Lakshmi
2.S.Kasisubramanian
3.S.Govindan
4.S.Harihara Subramanian
5.S.Geetha Swaminathan
6.S.Vijayalakshmi

...Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 read with order XXV Rule 5 of O.S.Rules,1956 praying to grant letters of Administration in respect of the Will dated 20.06.2010 annexed may be granted to the petitioner as the son-in-law and beneficiary under the will of the said deceased K.Somaskandan having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.K.Kathiresan

For Respondents : Mr.S.Ananth

**ORDER**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 20.06.2010 executed by late.K.Somaskanthan, who died on 31.07.2010. The petitioner is the son-in-law and the respondents are the wife, sons and daughters of the testator. 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 examined himself as PW1. He has produced the death certificate of the Testator late.K.Somaskanthan as Ex.P2. The original will and testament dated 20.06.2010 as Ex.P1. The legal heir certificate of the testator as Ex.P3. A perusal of the Ex.P3, clearly exhibits that the testator had a wife, three sons and two daughters as his surviving legal heirs who are the respondents herein. Ex.P1, shows that the testator bequeathed his property in favour of his son-in-law, who is the petitioner herein and the husband of the fifth respondent. The paper publications were made and marked as Ex.P6 and Ex.P7. No objection was received from any person. The respondents have also filed their consent affidavits expressing their consent for the grant of letters of Administration in favour of the petitioner.



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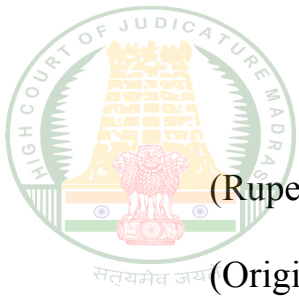
3. The fifth respondent has been examined as RW1 and marked her consent affidavit and photocopy of her Aadhar card as Ex.R1 and Ex.R2.

A perusal of Ex.R2, shows the petitioner is the husband of the fifth respondent, who is the daughter of the testator. The learned counsel for the respondents stated that the respondents have no objection for granting the letters of Administration of the Will in favour of the petitioner.

4. The petitioner has examined Mrs.S.Vijayalakshmi, who is the first attesting witness to the said Will and the sixth respondent as PW2. She has spoken about the execution of the Will by the testator and its attestation by her and has marked her affidavit as Ex.P9.

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.

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 20.06.2010 of the testator late.K.Somaskanthan. 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

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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:

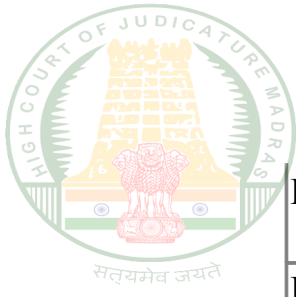
P.W.1 – Mr.K.Swaminathan

P.W.2- Mrs.S.Vijayalakshmi

RW1- Mrs.S.Geetha

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Will executed by the K.Somaskanthan in favour of Swaminathan dated 20.06.2010.
Ex.P2	Computer generated copy of the death certificate of Mr.K.Somaskanthan who died on 31.07.2010 along with 65B affidavit.
Ex.P3	Photocopy of the legal heir certificate of Mr.K.Somaskanthan
Ex.P4	Certified copy of the sale deed registered as Doc.No.3551/1995 executed by S.K.Kalisamy Gounder in favour of K.S.Somaskanthan dated 27.11.1995.
Ex.P5	Certified copy of the sale deed registered as Doc.No.3553/1995 executed by S.K.Kalisamy Gounder in favour of K.S. Somaskanthan dated 27.11.1995.
Ex.P6	One issue of paper publication in English Daily “Trinity Mirror”dated 08.02.2025.



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Ex.P7	One issue of paper publication in Tamil Daily “Makkal Kural”dated 30.01.2025
Ex.P8	Affidavit of assets showing the net value of the estate is Rs.11,40,000/-
Ex.P9	The affidavit of PW2
Ex.P10	The photocopy of the Aadhar card of PW2
R1	Consent affidavit of RW1
R2	Photocopy of Aadhar card of RW1. (Compared with original).

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