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O.P.No.604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.04.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.604 of 2024

Mr.S.Abdul Shukoor

... Petitioner

PRAYER: Original Petition filed for Letters of Administration with Will annexed under Sections 232 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 to grant Letters of Administration to the petitioner as the beneficiary under the Will of the said deceased Mr.V.S.Gopala Rathnam to have effect throughout the State of Tamil Nadu and pass such further or other orders.

For Petitioner : Mr.U.Devasenathipathi

O R D E R

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 03.11.2021 executed by late.Mr.V.S.Gopala Rathnam, who died on 10.10.2023. The testator was married to one Late.Mrs.Pushpa Gopalarathnam who predeceased him on



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23.11.2019, the couple did not have any issues in duration of their marriage.

The testator explicitly mentions in his will dated 03.11.2021, that both him and his wife were taken care by the petitioner for the past more than 23 years. The petitioner is the only beneficiary under the said will. The petitioner seek issuance of Letters of Administration in respect of the securities and properties situated within the jurisdiction of this court.

2. The petitioner has examined himself as PW1. He has produced the death certificates of the testator and testator's wife late.Mrs.Pushpa Gopalarathnam as Ex.P3 and Ex.P6 The certified copy of the registered will and testament dated 03.11.2021 has been marked as Ex.P5. The photocopy of aadhar card of the petitioner is marked as Ex.P7. The legal heir certificate of the wife of the testator Late.Mrs. Pushpa Gopalarathnam is marked as Ex.P4. On perusal of the Ex.P4 it clearly exhibits that the wife of the testator Predeceased him and the couple did not have any issues from their marriage. From Ex.P5 it can be inferred that the petitioner was made the sole beneficiary by the testator under the said will dated 03.11.2021 and in the same will the testator has explicitly mentioned that the petitioner was the one who took care of both himself and his wife.



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3. The petitioner has examined Mr.A.Balasubramaniam and Mr.A.Noorul Huda, who are the attesting witnesses to the said Will, they have been examined as PW2 and PW3. They have spoken about the execution of the Will by the testator and its attestation by them. The paper publications were made and was marked as Ex.P8 and Ex.P9, no objections were received for the same.

4. 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.

5. 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 03.11.2021 of the testator Late.Mr.V.S.Gopala Rathinam. 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



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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
Speaking: Yes/ No
Neutral Citation: Yes/No



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Petitioner's witness:

P.W.1 – Mr.S.Abdul Shukoor

P.W.2 – Mr.A.Balasubramanian

P.W.3 – Mr.A.Noorul Huda

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The online copy of the Sovereign Gold Bond Certificate No. SGB00001006874604 dated 05.08.2016.
Ex.P2	The photocopy of the bank passbook for A/c.No. 1213153000003231.
Ex.P3	The online copy of the Death certificate of Mrs.Pushpa Gopala Rathnam dated 23.11.2019.
Ex.P4	The online copy of the Legal heirship certificate of Mrs.Pushpa Gopala Rathnam dated 12.02.2021.
Ex.P5	The original Will of Mr.V.S.Gopala Rathnam dated 03.11.2021.
Ex.P6	The online copy of the death certificate of Mr.V.S.Gopala Rathnam dated 10.10.2023.
Ex.P7	The photocopy of the Aadhar card of the petitioner Mr.S.Abdul Shukoor.
Ex.P8	The English paper publication dated 17.01.2025.
Ex.P9	The Tamil paper publication dated 09.01.2025.

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