



O.P.No.540 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.08.2025**

CORAM

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

O.P.No.540 of 2022

B.Nandhini

...Petitioner

vs.

- 1.Chithambara Kanakavel Trust,
Rep. by Founder Secretary of the Trust, K.Paramaguru
No.3, Jeevarathinam Street, Gangai Nagar,
Kallikuppam, Ambattur,
Chennai – 600 053.
- 2.G.Alamelu (Deceased)
- 3.Parameshwari
- 4.Saravanan
- 5.Usha
- 6.G.Balasubramanian
- 7.Deenadayalan Ganapathy
- 8.Shanmugam
- 9.G.Kumar

[R6 to R9 are brought on record as LR's of the deceased 2nd respondent and amendment carried out as per order dated 25.07.2024 in A.Nos.2710, 2711 & 2712 of 2024 and A.No.5992 of 2023 in O.P.No.540 of 2022.]



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10.Vijaya (Alias) Vijayalakshmi

[R10 impleaded as order dated 25.07.2024 in
A.Nos.2710, 2711 & 2712 of 2024 and
A.No.5992 of 2023 in O.P.No.540 of 2022.]

...Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, (Act XXXIX of 1925) read with Order XXV, Rule 5 of the Original Side Rules praying to grant Letters of Administration with the Will annexed of the properties of deceased T.Kanagasabapathy to the petitioner as adopted daughter / beneficiary under the Will of the deceased to have effect throughout the State of Tamil Naud.

For Petitioners : Mr.S.Parthasarathy
For Respondents : RR1, 3 to 5 – No appearance
R2 – Deceased
R6 to R10 – set *ex parte*

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 22.07.2021 executed by Mr.T.Kanagasabapathy, who died on 31.07.2021.

2. The petitioner submits that the above said testator had gotten married to one Mrs.Dhanalakshmi and the couple had begotten a son named Mr.K.Murugavel out of their wedlock. Further the aforesaid son of the testator Mr.K.Murugavel got



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married to one Mrs.Deepa and had begotten a son named Master.Pranav out of their wedlock. The petitioner submits that due to an unfortunate road accident the entire family members of the testator namely Mrs.Dhanalakshmi his wife, Mr.K.Murugavel his son, Mrs.Deepa his daughter-in-law and Master.Pranav his grandson, all of them died on 22.02.2005. The father and mother of the testator had predeceased him and consequently all of his family members had also predeceased the testator, leaving behind the testator with no immediate legal heirs. The petitioner submits that later the testator adopted her as his daughter, to render care and support him during his old age. The 1st respondent is a Trust, which has been represented by its Founder Secretary, whereas the 2nd respondent was the sister of the testator and the respondents 3 to 5 are the legal heirs of the brother of the testator. The petitioner submits that upon the demise of the 2nd respondent, her legal heirs are impleaded as the respondents 6 to 10 to this petition, as allowed in the Applications A.No.2712 of 2024 and A.No.5992 of 2023 vide order dated 25.07.2024.

3. The petitioner further submits that the testator absolutely owned the immovable properties listed as Item No.1 and Item No.2 in the schedule of the petition, by the virtue of the Sale Deed dated 19.09.1966 and Partition Deed dated 11.04.1984 respectively. The petitioner asserts that the testator prior to his demise,



had executed a Will on 22.07.2021, whereby he had bequeathed the immovable property described as Item No.1 in the schedule of the Will and that of the petition in favour of his adopted daughter, the petitioner herein and likewise he had bequeathed the immovable property described as Item No.2 in the Schedule of the Will in favour of the 1st respondent. The petitioner contends that in pursuant to the aforesaid will she is one of the beneficiary named in the Will and is entitled to the immovable property described as Item No.1 under the schedule of the Will. Therefore the petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court to have effect throughout the State of Tamil Nadu.

4. The petitioner has examined herself as PW1, she had produced 5 Documents to support her deposition which are listed as Ex.P1 to Ex.P5 at the foot of the order. The Original Will dated 22.07.2021 has been marked as Ex.P1. The computer generated death certificate of the testator has been marked as Ex.P2. Upon the detailed examination of the Ex.P1, the Will executed by the testator, it can be seen that the testator had explicitly stated that the petitioner is his adoptive daughter and has named her as the beneficiary to the immovable property mentioned as Item No.1 in the Schedule of the Will, likewise the 1st respondent has been named as the beneficiary for the property mentioned as Item No.2 in the



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schedule of the Will. The general paper publications have been effected which are marked as Ex.P4 and Ex.P5 and no objections have been received for the same.

5. The petitioner has examined one Mr.M.Rajan as the PW2, who is the second attesting witness to the Will. He has spoken about the execution of the Will by the testator and its attestation by him along with one Mr.R.Arumugam, the other attesting witness to the Will and he has also filed his affidavit which has been marked as Ex.P6.

6. The 1st respondent represented by its Founder Secretary of the Trust, has expressed his consent to grant the Letters of Administration in favour of the Petitioner with respect to the Will dated 22.07.2021 executed by the testator and his respective consent affidavit has been filed. There has been no representation made on behalf of the respondents 3 to 5, either in person or through a counsel. The private notices on the respondents 6 to 10 has been duly served and placed before this court, but they are not represented either in person or through counsel. Hence the respondents 6 to 10 are called absent and are set *ex-parte*.

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



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to the relief

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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 22.07.2021 of the testator Late.Mr.T.Kanagasabapathy. 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.B.Nandhini

P.W.2 – Mr.M.Rajan

Documents exhibited by the petitioner:

Exhibits	Documents
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Ex.P1	Original Will dated 22.07.2021 executed by Mr.T.Kanagasabapathy.
Ex.P2	Computer generated death certificate of Mr.T.Kanagasabapathy.
Ex.P3	Affidavit of assets showing the net value of the estate as Rs.2,00,00,000/-.
Ex.P4	Copy of the paper publication effected in one issue of Tamil Daily “Dina Kural” dated 15.07.2023.
Ex.P5	Copy of the paper publication effected in one issue of English Daily “Southern Mail” dated 21.07.2023.
Ex.P6	Affidavit of PW2.

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K.KUMARESH BABU, J.

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