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O.P. No.694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.694 of 2024

1. S. Panneer Selvam S/o. Late A. Shanmugam
2. P. Bama W/o. S. Panneer Selvam ... Petitioners

VS

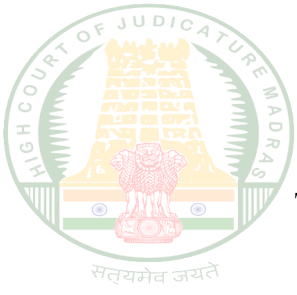
1. S. Amsaveni
2. E. Palaninathan S/o. Late V. Ekambaram .. Respondents

PRAYER: Original Petition is filed under Section 232 and 276 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration with the Will annexed, to the 1st petitioner as son of the deceased / beneficiary Legatee under the Will of the deceased having effect through out the State of Tamil Nadu.

For Petitioners : Mr. S. Rajesh Kumar

For Respondents : Notice served - No appearance.

ORDER



O.P. No.694 of 2024

This petition has been filed under Section 232 and 276 of the Indian

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Succession Act to grant Letters of Administration with the Will, annexed to the petition, to the 1st petitioner as the son of the deceased / beneficiary under the Will of the said deceased having effect through out the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioners to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected and thereafter no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioners, PW1 and PW2 were examined and Ex.P.1 to Ex.P.16 were marked.

3. According to the petitioners, the 1st petitioner is the son of the deceased A. Shanmugam. The 2nd petitioner is the wife of the 1st petitioner. The 1st respondent is the daughter of the deceased. The deceased A. Shanmugam died on 01.03.2019 leaving behind his wife

Page No.2 of 8



O.P. No.694 of 2024

S. Bhuavaneshwari, son and daughter. The last Will was executed by the

Testator dated 29.11.2017. The mother of the 1st petitioner died on 23.11.2020. The 2nd respondent was appointed as the Executor. But the 2nd respondent had declined to act as Executor. As per the Will, the petitioners are the beneficiary legatees under the said Will. There are no next of kin or other persons interested to be impleaded as parties in these proceedings. The amount of the assets, which are likely to come to the hands of the petitioners does not exceed in the aggregate the sum of Rs.2,50,20,000/- and the net amount of the said assets after deducting all the items, which the petitioners are allowed to deduct is of the value of Rs.2,50,00,000/-. Therefore, the petitioners have filed this petition. The 2nd petitioner has no objection to grant letters of administration in favour of the 1st petitioner.

3. PW1 is the 1st petitioner herein. PW2 is the attesting witness.

Through PW1, Ex.P.1 to Ex.P.14 were marked. Ex.P.15 and Ex.P.16 were marked through PW2. The Original Will dated 29.11.2017 executed by the

Page No.3 of 8



O.P. No.694 of 2024

testator A. Shanmugam has been marked as 'Ex.P.1'. PW2 is the attesting

witness of the Will and PW2 has categorically deposed about the execution of the Will and attestation. Therefore, the execution of the Will and attestation are duly proved in accordance with law. There is no any rival claim against the Will. The 2nd petitioner has filed her consent affidavit expressing her willingness to grant letters of administration in favour of the 1st petitioner. The available evidences amply proved the execution and attestation of the Will. Therefore, the petitioners have proved the Will in the manner known to law and they are entitled to the relief as prayed for in the petition.

4. In view of the above, this Original Petition is ***allowed*** and Letter of Administration, in respect of the Will and Testament dated 29.11.2017 executed by Tr. A. Shanmugam (deceased) in favour of the petitioners, is granted.

5. Issue Letters of Administration in favour of the 1st petitioner. The 1st petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The 1st petitioner is also

Page No.4 of 8



O.P. No.694 of 2024

directed to execute a **security bond** for a sum of **Rs.25,000/- (Rupees**

Twenty Five Thousand only) in favour of the **Assistant Registrar (O.S.II),**

High Court, Madras. The 1st petitioner is further directed to render true and

correct accounts once in a year.

07.10.2025

Index : Yes/No

Speaking Order : Yes/No

mjs

List of Petitioner side Witnesses:

PW1 : Mr. S. Panneer Selvam

PW2 : Mr. K.M. Murugan

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	29.11.2017	Original registered Will executed by Tr. A. Shanmugam.
Ex.P.2	01.03.2019	Computer generated copy of the Death Certificate of the deceased Mr. A. Shanmugam.

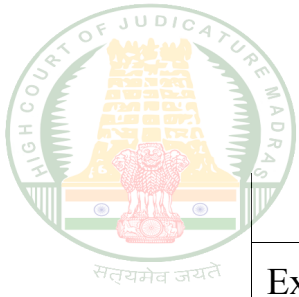


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O.P. No.694 of 2024

Ex.P.3	23.11.2020	Computer generated copy of the Death Certificate of Mrs. S. Bhuvaneshwari W/o. Mr. A. Shanmugam.
Ex.P.4.	11.06.2019	Computer generated copy of the Legal Heirship Certificate of Mr. A. Shanmugam.
Ex.P.5	11.12.1991	Photocopy of the Sale Deed registered as Doc. No.5270/1991 pertaining to Schedule A Property.
Ex.P.6	15.03.1993	Photocopy of the Rectification Deed registered as Doc. No.1396/1993 pertaining to Schedule A property.
Ex.P.7	12.12.2003	Photocopy of the Sale Deed registered as Doc. No.8962/2003 pertaining to Schedule B Property.
Ex.P.8	-	Photocopy of the Aadhar card of the 1st petitioner.
Ex.P.9	-	Photocopy of the Aadhar Card of the 2nd petitioner.
Ex.P.10	27.03.2025	One issue of paper publication effected in Tamil Daily "Malai Murasu".
Ex.P.11	01.06.2025	One issue of paper publication effected in Tamil Daily "Makkal Kural".
Ex.P.12	09.06.2025	One issue of paper publication effected in English daily "Trinity Mirror".
Ex.P.13	-	Affidavit of assets showing the net value of the estate Rs.2,50,00,000/-
Ex.P.14	-	Certificate u/s. 65B of Indian Evidence Act



O.P. No.694 of 2024

		filed for Exs.P2, P3 and P4.
Ex.P.15	-	Affidavit of PW2.
Ex.P.16	-	Photocopy of the Aadhar Card of the 2nd attesting witness.

07.10.2025

P.DHANABAL.,J

mjs

O.P. No.694 of 2024



WEB COPY



O.P. No.694 of 2024

07.10.2025