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O.P.No.709 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.08.2025**

CORAM

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

O.P.No.709 of 2022

Dr.K.Balamukuntan

... Petitioner

Vs.

1.Muniammal

2.R.Saminathan

3.K.Mythili

4.K.Divyalakshmi

5.K.Subashree

... Respondents

PRAYER: Original Petition filed under Sections 232, 255 and 276 of the Indian Succession Act, XXXIX of 1925 r/w. Order XXV Rule 5 of the Original Side Rules praying to grant Letters of Administration with the Will annexed to the petitioner grandson/ sole beneficiary under the last Will dated 14.04.2005 of the deceased Mr.Raju Pillai having effect limited to the State of Tamil Nadu and limited to the assets in the affidavit of assets.

For Petitioner : Mr.M.V.Seshachari

For Respondents : No appearance



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ORDER

This Original Petition has been filed for issuance of the Letters of Administration having effect limited to the State of Tamil Nadu and limited to the assets specifically mentioned in the affidavit of assets, in respect of the last Will and Testament dated 14.04.2005 executed by Mr.Raju Pillai, who died on 14.05.2006.

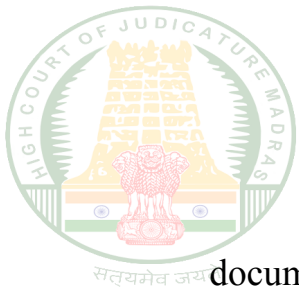
2. The petitioner submits that the testator from the duration of his marriage had 3 children namely the respondents 1 and 2 along with one Mr.R.Kannan. The petitioner submits that the above said Mr.R.Kannan died on 14.09.2011 leaving behind the petitioner along with the respondents 3 to 5 as his only legal heirs. Thereby the petitioner and the respondents 4 and 5 are the grandchildren and the 3rd respondent is the daughter-in-law of the testator, through his deceased son Late.Mr.R.Kannan.

3. The petitioner asserts that the immovable properties which are listed as Item No.1 to Item No.4 under the schedule of the petition are absolutely owned by the testator as evinced by their respective sale deeds. The petitioner further submits that the testator prior to his death had executed a Will, through which he had bequeathed the aforesaid immovable properties which



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are morefully described in the schedule of the petition, in favour of his grandson, the petitioner herein. The petitioner further states that the respondents 1 and 2 have released their undivided 2/3rd shares in the aforesaid immovable properties in favour of the petitioner and the respondents 3 to 5, through four respective Release Deeds executed in the year of 2016, each of which are subsequent to the execution of the Will. The petitioner contends that irrespective of the above said Release Deeds executed by the respondents, he is the sole and the absolute beneficiary for the immovable properties under the said Will dated 14.04.2005, which precedes the execution of the said Release Deeds. The petitioner further submits that he along with the respondents 3 to 5 have executed two Sale Deeds registered as Document No.2335/2021 dated 07.07.2021 and Document No.2336/2021 dated 07.07.2021 dealing with 1.73 acres each, with respect to the immovable property mentioned under Item No.4 of the schedule of the petition, in favour M/s.Little's Agrivet Pvt.Ltd., and M/s.Boxit Packaging LLP. He petitioner further asserts that owing to the aforesaid Sale Deeds executed he is not making any claims in respect of the immovable property mentioned as Item No.4 of the schedule. Therefore petitioner seeks issuance of Letters of Administration having effect limited to the State of Tamil Nadu and limited to the assets valuated under the affidavit of assets.



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4. The petitioner has examined himself as PW1, he has produced 20 documents to support his deposition which are listed as Ex.P1 to Ex.P20 at the foot of the order. The original unregistered Will executed by the testator has been marked as Ex.P1. The certified death certificate of the testator has been marked as Ex.P2 and the printout of the death certificate of the Late.Mr.R.Kannan, the deceased son of the testator has been marked as Ex.P3. The photocopy of the legal heirship certificate of Late.Mr.R.Kannan has been marked as Ex.P4. As the evidence to the title held by the testator towards the four immovable properties, the petitioner has produced certified copies of the registered Sale Deeds, which are marked as follows; Sale deed registered as Doc.No.2289/1990 has been marked as Ex.P5, Sale Deed registered as Doc.No.1272/1994 has been marked as Ex.P6, Sale Deed registered as Doc.No.1865/1997 has been marked as Ex.P7 and the Sale Deed registered as Doc.No. 2106/2000 has been marked as Ex.P8. Upon the detailed examination of the Ex.P1 it can be substantiated that the petitioner is the sole beneficiary named in the Will. The perusal of Ex.P4 shows that the petitioner and the respondents 3 to 5 are the only legal heirs of Late.Mr.R.Kannan, the deceased son of the testator. The general paper publications have been effected which are marked as Ex.P19 and Ex.P20 and no objections had been received for the same.



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5. The petitioner has examined Mr.V.Sankaranarayanan, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator and its attestation by him along with the other attesting Witness Mr.Gunasekaran and has marked his affidavit as Ex.P21. The aadhar card of the PW1 has been marked as Ex.P22.

6. The service of notices has been completed upon the respondents 1 to 3 and the 5th respondent. Subsequently the service upon the 4th respondent was completed through the substituted mode by effecting paper publication which was allowed under the Application No.5257 of 2024 vide order dated 14.10.2024. In spite of the service being completed the respondents chose to keep themselves away from the proceedings.

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,



limited to the assets mentioned in the affidavit of assets and having effect throughout the State of Tamil Nadu, in respect of the Will dated 14.04.2005 of the testator Late.Mr.Raju Pillai. 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:

Dr.K.Balamukuntan (PW1)

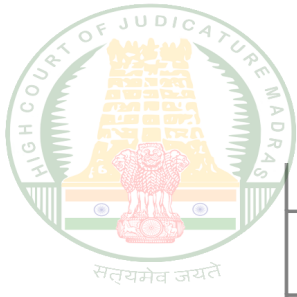
Mr.V.Sankaranarayanan (PW2)



Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Original unregistered Will executed by Mr.Raju Pillai dated 14.04.2005.
Ex.P2	Certified copy of the death certificate of Mr.Raju Pillai issued on 19.06.2025.
Ex.P3	Printout of the death certificate of R.Kannan issued on 10.10.2011.
Ex.P4	Photocopy of the legal heirship certificate of K.Kannan dated 21.11.2011.
Ex.P5	Certified copy of the registered deed of sale executed by Mr.Kathirvel in favour of Raju Pillai, registered as Doc.No.2289/1990 datd 04.06.1990.
Ex.P6	Certified copy of the registered deed of sale executed by Mr.Janarthanam in favour of Raju Pillai, registered as Doc.No.1272/1994 dated 06.07.1994.
Ex.P7	Certified copy of the registered deed of sale executed by Mrs.Kalavathy in favour of Raju Pillai, registered as Doc.No.1865/1997 dated 04.09.1997.
Ex.P8	Certified copy of the registered deed of sale executed by Mrs.Vijayalakshmi in favour of Raju Pillai, registered as Doc.No.2106/2000 dated 06.12.2000.
Ex.P9	Certified copy of the registered deed of release executed by Muniamal and others in favour of petitioner and others, registered as Doc.No.220/2016 dated 22.01.2016.
Ex.P10	Certified copy of the registered deed of release executed by Muniamal and others in favour of petitioner and others, registered as Doc.No.392/2016 dated 05.02.2016.
Ex.P11	Certified copy of the registered deed of release executed by Muniamal and others in favour of petitioner and others, registered as Doc.No.540/2016 dated 05.02.2016.
Ex.P12	Certified copy of the registered deed of sale executed by the petitioner and others in favour of M/s.Little's Agrivet Pvt Ltd. registered as Doc.No.2335/2021 dated 07.07.2021.
Ex.P13	Certified copy of the registered deed of sale executed by the petitioner and others in favour of M/s.Boxit Packaging LLP, registered as Doc.No.2336/2021 dated 07.07.2021.
Ex.P14	Printout of the patta No.3086 in the name of Raju Pillai issued by Tahsildar, Tambaram.
Ex.P15	Printout of the guideline value of item No.1 of the petition property.
Ex.P16	Printout of the guideline value of item No.2 of the petition property.
Ex.P17	Printout of the guideline value of item No.3 of the petition property.



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Ex.P18	Affidavit of assets showing the net value of Rs.1,44,14,112/-
Ex.P19	One issue of paper publication in Tamil Daily “Malai Malar” dated 06.12.2024.
Ex.P20	One issue of paper publication in English Daily “DT Next” dated 15.12.2024. Certificate under Section 63(c) of BSA is filed for Exs.P3, P14 to P17.
Ex.P21	Affidavit.
Ex.P22	Photocopy of the Aadhar card of the 1 st attesting witness.

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K.KUMARESH BABU, J.

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