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OP No. 295 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS
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DATED: 10-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 295 of 2024

C.Ashwin
(Ashwin Chandrasekar)
S/o.Chandrasekar,

Petitioner(s)

Vs

S.Vajreswari
(Vajreswari Sunderesa Iyer) W/o.Late
V.Chandrasekar

Respondent(s)

PRAYER

Original Petition is filed under Sections 232 and 276 of Part X of the Indian Succession Act XXXIX of 1925 and under Order XXV Rule 5 of the High Court Original Side Rules praying to grant letters of Administration to the Will annexed with the petition to the petitioner as adopted son/sister's son / beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioner(s): Mr.S.Venkatesh

For Respondent(s): Mr.Rajesh Karthikeyan

**ORDER**

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This petition has been filed under Sections 232 and 276 of the Indian Succession Act to grant Letters of Administration to the petitioner to the estates and credits of the deceased having effect limited to the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioner 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 there is no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence was also recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P14 were marked.

3. According to the petitioner, the testator, viz., M.Shakunthala died without leaving any legal heir and the petitioner is the son of the respondent and the respondent is the younger sister of the testator. Apart from the respondent, the testator had four sisters, three brothers and none of them are alive except the respondent. Further, the parents and husband of the testator predeceased the testator and the sister of the petitioner got married and



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permanently residing in USA. The testator, viz., M.Shakunthala died on 05.05.2021. The testator's husband, viz., S.Muthuraman has purchased the present property mentioned in the Will on 07.07.1995, in turn, the testator's husband settled the property in favour of the testator on 05.03.1999. The present Will was executed on 21.02.2014 by the testator in favour of the petitioner. The last Will and testament executed by the deceased testator was on 21.02.2014. No executor was appointed under the Will. The petitioner and the respondent are the only surviving legal heirs and there is no other next of kin to the deceased. The net amount of the assets would come around Rs.51,07,000/-. There are no other next of kin to the deceased except the petitioner and in the Will, the testator clearly mentioned that she has no other legal heirs apart from the petitioner and no one other than the petitioner can claim any right on the property, thereby pleaded to grant letters of administration in favour of the petitioner.

4. The petitioner herein, was examined as P.W.1. He has deposed that he is the younger sister's [respondent] son of the deceased testator M.Shakunthala and reiterated the petition averments. PW2 is one of the



attesting witnesses in the Will. He has deposed that the testator had executed a Will dated 21.02.2014 and he was also present along with the testator at the time of execution of Will. He has also identified the signatures of the attesor and testator in the Will. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.14 revealed that the petitioner is the legal heir of the deceased testator and no any objection has been raised either by the respondent or any other party to grant letter of administration to the petitioner. Therefore, the petitioner, through the evidences and documents, has amply proved the execution of Will. Therefore, the petitioner is entitled to the relief as prayed for in the petition.

5. Therefore, this Original Petition is **allowed** and Letter of Administration, to the estates and credits of the testator / deceased Mrs. M.Shakunthala in favour of the petitioner, is granted.

6. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also 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 petitioner is further directed to render true and correct accounts

once in a year.

10.11.2025

Index : Yes/No

Speaking Order : Yes/No

ssd

APPENDIX:

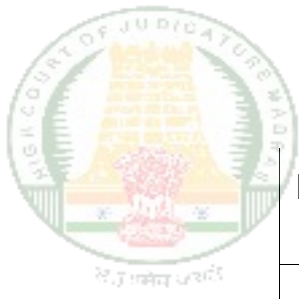
List of Petitioner side Witnesses:

P.W.1 : Mr. C.Ashwin

P.W.2 : Mr. Arivazhagan

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	07.07.1995	Photocopy of the Registered sale deed of the Will property executed by vendor in favour of Mr.S.Muthuraman registered as Document No.3796/1995 at SRO, Adyar
Ex.P.2	05.03.1999	Photocopy of the registered settlement deed of the Will property executed in favour of the Testator by her husband registered as document no.363of 1999 at SRO, Adyar
Ex.P.3	27.02.2006	Phtocopy of the death certificate of S.natarajan, brother of the testor, died on 12.02.2006 and the certificate issued by Chennai Corporation.



Ex.P.4.	18.01.2010	Photocopy of the property tax book issued in favour of the testator by Chennai Corporation
Ex.P.5	18.01.2010	Photocopy of the Payment of property tax by the testator
Ex.P.6	16.07.2010	Photocopy of the general power of attorney executed by Mr.Muthuraman in favour of Testator registered as documentno.461 of 32010 at SRO at Adyar
Ex.P.7	18.09.2011	Photocopy of the death certificate of Sundaresa Ramaswamy brother of the testor, died on 18.09.2011 and the death certiciate issued by the Government of Karnataka on 28.09.2011
Ex.P.8	05.07.2012	Photocopy of the death certificate of Indira Asutoshan, Sister of the testator, died on 03.07.2012 death certificate issued by Municipal Administration Department, Tamilnadu
Ex.P.9	21.02.2014	Original Last Written unregistered Will of M.Shakunthala
Ex.P.10	24.02.2009	Online copy of the death certificate of S.Lakshmi, sister of the testator, died on 24.02.2009 and death certificate issued by Chennai Corporation dated 18.12.2015
Ex.P.11	21.04.2019	Photocopy of the death certificate of S.Muthuraman, husband of the testator, died on 21.04.2019 death certificate issued by Chennai Corporation.

**List of Court documents:**

Exhibit No.	Date	Description of Documents.
	28.02.2025	Paper publication of the English daily "Trinity Mirror"
	06.03.2025	Paper publication of the Tamil daily "Makkal Kural".

10.11.2025



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OP No. 295 of 2



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10.11.2025