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O.P.No.718 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.04.2025**

CORAM

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

O.P.No.718 of 2023

Master B.Jaikrishnan
Master Srivarshan
Both minors rep.by their father and
natural Testamentary Guardian
Mr.V.Bharanidharan,
S/o.Late C.Venkataraman,
14, Vetrivel Nagar 2nd Cross Street,
Kolathur,
Chennai – 600 099.

...Petitioner

vs.

1.V.Ramesh
2.Mrs.G.Vijayalakshmi
3.V.Jayaprakash

...Respondents

PRAYER: Original Petition filed under Section 232, 246 & 276 of Indian Succession Act, 1925 read with O.XXV, Rule 5 of Madras High Court O.S. Rules, prays that Letters of Administration with the Will annexed may be granted to him for the use and benefit of the minors until they attain the age of majority under the Will of the said deceased having effect limited to the State of Tamil Nadu or pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.



For Petitioner : Mr. A.M.O. Gurunarayana Rao
For Respondents : No appearance

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ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 11.12.2019 executed by Late.C.Venkataraman, who died on 20.03.2020. The petitioners are the minor grandsons of the testator through his son Mr.V.Bharanidharan, the minors are represented by the natural guardian their father Mr.V.Bharanidharan. The respondents 1 to 3 are the other children of the testator. The petitioners submit that the testator had three sons, who are the guardian of the petitioner Mr.V.Bharanidharan, the 1st and 3rd respondents and one daughter the 2nd respondent. The testator executed a Will dated 11.12.2019 bequeathing a property in favour of his grandsons who are the petitioners herein subject to the outcome of the suit filed to declare the Settlement Deed executed by the testator in favour of his son who is the third respondent in respect of the bequeathed property as null and void. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this Court.

2. The petitioners have examined their guardian as PW1. He has produced the original Will and testament dated 11.12.2019 as Ex.P1. The



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computer generated death certificate of the Testator has been marked as Ex.P3. The legal heir certificate of the testator has been marked as Ex.P4. On perusal of Ex.P1, it shows that the testator has executed a Settlement Deed in favour of the third respondent on a condition to take care of him. But the third respondent failed to comply it and the testator moved a suit before the Court of Law to cancel the Settlement deed and bequeathed the Settled property in favour of the petitioners. The Ex.P4 shows that the petitioner's guardian Mr.V.Bharanidharan and the respondents 1 to 3 are the legal heirs of the testator Late.C.Venkataraman. The general paper publications have been completed and marked as Ex.P7, Ex.P8 and Ex.P9. No objections has been received for the same from any person. The service of notice upon the respondents 1 to 3 have been completed through the substituted service by paper publications in pursuance of the order dated 18.07.2024 in Application No. 3556 of 2024. In spite of the service, the respondents kept themselves away from the proceedings.

3. The petitioners has examined Mr.Prakash, who is the second 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 and the first attestator and has marked his affidavit as Ex.P10.



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4. 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.

5. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners' father Mr.V.Bharanidharan for the use and benefit of the minors. But, he is not permitted to Sell said property until the two minor petitioners Master.B.Jaikrishnan and Master.Srivarshan attain the age of majority, in respect of the Will dated 11.12.2019 of the testator Late.C.Venkataraman. The petitioners are 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 petitioners are 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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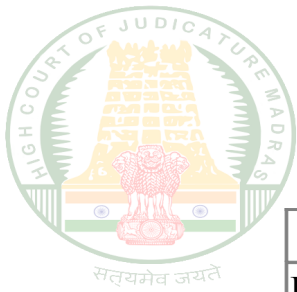
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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.V.Bharanidharan

P.W.2 – Mr.Prakash

Documents exhibited by the petitioner:



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Exhibits	Documents
Ex.P1	Original Will dated 11.12.2019.
Ex.P2	Photocopy of the sale deed dated 17.10.1981.
Ex.P3	Computer generated copy of the death certificate of Mr.C.Venkatraman issued on 09.11.2020.
Ex.P4	Computer generated copy of the legal heir certificate of C.Venkatraman dated 22.06.2022.
Ex.P5	Photocopy of the Aadhar Card of the petitioner and his father and natural guardian. (Original is produced, compared and returned to the plaintiff's counsel)
Ex.P6	Affidavit of assets wherein the net value of the estate Rs.20,00,000/-
Ex.P7	One issue of paper publication in Tamil Daily Malai Murasu dated 23.08.2024.
Ex.P8	One issue of paper publication in Tamil Daily Makkal Kural dated 07.02.2025.
Ex.P9	One issue of paper publication in English Daily Southern Mail dated 14.02.2025.
	Certificate under Section 65 B of Indian Evidence Act is filed for Exs.P3 and P4.
Ex.P10	Photocopy of the Aadhar Card of the 2 nd attesting witness is marked as Ex.P10.

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