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O.P.No.152 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.06.2025**

CORAM

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

O.P.No.152 of 2024

1.N.Aishwaryaa
2.S.Sena Abhishek

...Petitioners

VS.

1.Mrs.A.Padmavathi
2.Mr.B.Sathya Narayanan
3.Mr.B.Madanagopal
4.P.Srinivasan
5.Geetha

...Respondents

PRAYER: Original Petition filed under Section 232 & 276 of Indian Succession Act 1925 read with Order XXV Rule 5 of O.S.Rules, prays that Letters of Administration with the Will annexed may be granted to the petitioners as the great grand daughter and great grandson/beneficiaries of the said deceased Late Mrs.Ruckmani Ammal having effect throughout the State of Tamil Nadu.

For Petitioners : Mr.S.Ganesh

For Respondents : M/s.V.Bhavani
(For R4 & R5)
No appearance (For R1 to R3)

**ORDER**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 29.04.1980 executed by late.Ruckmani Ammal, who died on 10.06.1999. The petitioners are the great grandchildren of the testatrix. The first respondent is the daughter of the testatrix and the respondents 2 to 5 are the grandchildren of the testatrix through the deceased son and daughter of the testatrix. The petitioners are the beneficiaries under the will. Though the testatrix appointed her two daughters as executors of the will, one executor died on 20.09.2017 and another executor is not in the position to file probate. Hence, the petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

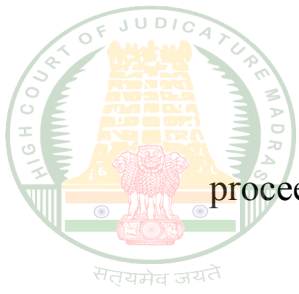
2. The first petitioner has been examined as PW1. She has produced the death certificate of the Testatrix as Ex.P3. The original registered will and testament dated 29.04.1980 as Ex.P1. The legal heir certificate of the testatrix's husband as Ex.P7, shows that the husband of the testatrix died leaving behind his wife, testatrix and three children as his surviving legal heirs. Two among the three children died and their death certificates are



marked as Ex.P2 and Ex.P5 and one daughter was shown as first respondent.

The legal heirship certificate of the predeceased son of the testatrix C.V.Pandurangan as Ex.P6. On perusal of Ex.P6, it shows that Pandurangan died leaving behind his wife and two children who are the respondents 4 and 5 herein as surviving legal heirs. The third child of the Pandurangan died as bachelor and his death certificate is marked as Ex.P4. The family card of the Pandurangan's son-in-law as Ex.P9, exhibits that the family members are his son-in-law, his daughter, the fifth respondent and his grand daughter, first petitioner. The family card of the Pandurangan's wife as Ex.P12, shows that the family members are his wife, son, the fourth respondent, daughter-in-law and grandson, the second petitioner. The said will was bequeathed in favour of the grandchildren of Panduranga who are the petitioners herein. The paper publications were made and marked as Ex.P18 and Ex.P19. No objections were received from any person.

3. The learned counsel for the respondents 4 and 5 submits that the respondents 4 and 5 who are the parents of petitioners have no objections to grant letters of administration in favour of the petitioners. The respondents 1 to 3 inspite of service of notice on them, had kept themselves away from this



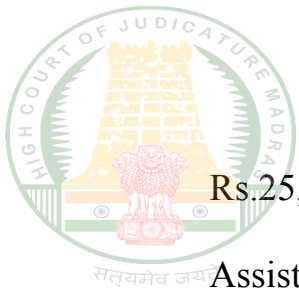
proceedings.

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4. Both the attesting witnesses are unavailable for examination to prove the Will. Hence, the petitioners filed an application in A.No.1120 of 2025 to examine a third party Mr.L.Nandhakumar, who is well acquainted with the signature of the first attesting witness and the same was allowed on 18.03.2025. The petitioner has examined Mr.L.Nandhakumar, who is the third party and a person well acquainted with the signature of first attesting witness to the said Will as PW2. He has identified the signature of the first attesting witness in Ex.P1.

5. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are entitled to the relief.

6. 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 29.04.1980 of the testatrix late.Ruckmani Ammal. 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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Index :Yes/No

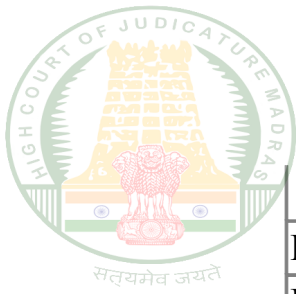
Petitioner's witness:

P.W.1 – Ms.N.Aishwaryaa

P.W.2 – Mr.L.Nandhakumar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original registered Will dated 29.04.1980 executed by Mrs.C.Ruckmani Ammal.
Ex.P2	Photocopy of the death certificate of Mr.Pandurangan (Compared with the original)
Ex.P3	Computer generated death certificate of Mrs.Ruckmani Ammal C.V.
Ex.P4	Photocopy of death certificate of Mr.P.Gopinath(Compared with the original)
Ex.P5	Computer generated death certificate of Mrs.B.Narayani.
Ex.P6	Photocopy of legalheirship certificate of Mr.C.V.Pandurangan.(Compared with the original)
Ex.P7	Photocopy of legalheirship certificate of Mr.Venugopal



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	Naidu.(Compared with the original)
Ex.P8	Computer generated Birth certificate.
Ex.P9	Photocopy of Family Card of Mr.C.Nanda Gopal(Compared with the original)
Ex.P10	Photocopy of Aadhar Card of P.W.1.(Compared with the original)
Ex.P11	Computer generated Birth Certificate of the 2 nd petitioner namely S.Sena Abhishek.
Ex.P12	Photocopy of Family Card of Mrs.P.Dhanalakshmi.(Compared with the original)
Ex.P13	Photocopy of Aadhar Card of the 2 nd petitioner namely S.Abhishek.(Compared with the original)
Ex.P14	Computer generated death certificate of Mr.Babu.
Ex.P15	Photocopy of probate order dated 06.05.1946 passed by this Hon'ble High Court of Madras in OP.No.285 of 1945 (Compared with the original)
Ex.P16	Affidavit under Section 65 B of the Indian Evidence Act, 1872.
Ex.P17	Affidavit of assets showing the net value of the estate as Rs.80,00,000/-
Ex.P18	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 23.11.2024.
Ex.P19	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 16.11.2024.
Ex.P20	Photocopy of Aadhar Card of P.W.2.(Compared with the original)

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K.KUMARESH BABU, J.

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