



O.P. No.136 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.136 of 2025

1. C. Natarajan
2. C. Dillidurai

... Petitioners

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 to the Will annexed with the petition, to the petitioners as nephews / beneficiaries of the deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Mr. K. Shankar

ORDER

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

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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 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 petitioners, PW1 to PW3 were examined and Ex.P.1 to Ex.P13 were marked.

3. According to the petitioners, one Mr M. Dayalan died on 14.01.2022 and he executed an unregistered Will dated 14.01.2022 in the presence of witnesses namely Mr. E. Purushothaman and Mr. R. Mohan. The parents of the Testator predeceased him. The wife of the Testator also predeceased him on 23.01.2021. There are no issues to the Testator. The Testator was taken care by the petitioners herein. The petitioners are the second class legal heirs of the Testator and other than the petitioners, there are no other next of kin to the deceased. The amount of assets which are likely to come into the hands of

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the petitioners is approximately Rs.1,25,00,000/-. As per the Will, there is no executor. The petitioners are the only surviving legal heirs and there is no other next of kin to the deceased.

4. The 1st petitioner herein, was examined as PW1 and Ex.P.1 to Ex.P.13 were marked. He has deposed that he is the relative of the deceased and reiterated the petition averments and further stated that the deceased executed an unregistered Will dated 14.01.2022 in the presence of the attesting witnesses. The said attesting witnesses have been examined as PW2 and PW3. They both deposed that the testator had executed a Will dated 14.01.2022 and they were also present along with the testator at the time of execution of Will. They have also identified the signatures of the attestors and testator in the Will. A perusal of evidences of PW1 to PW3 and Ex.P.1 to Ex.P.13 revealed that the petitioners are the legal heirs of the deceased and no any objection has been raised by any other party to grant letter of administration to the petitioners. Therefore, the petitioners, through the

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evidences and documents, have amply proved the execution of Will.

Therefore, the petitioners are 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 deceased Mr. M. Dayalan in favour of the petitioners, is granted.

6. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

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Index : Yes/No

Speaking Order : Yes/No

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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. C. Natarajan
PW2 : Mr.E. Purushothaman
PW3 : Mr. R. Mohan

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	14.01.2022	<i>Original Will executed by Mr. M. D. ayalan.</i>
Ex.P.2	-	<i>Computer generated Death Certificate of Mrs. D. Malliga</i>
Ex.P.3	-	<i>Computer generated Death Certificate of Mr. M. D. ayalan.</i>
Ex.P.4.	07.06.1971	<i>Photocopy of the Sale deed</i>
Ex.P.5	30.03.1992	<i>Photocopy of the partition deed.</i>
Ex.P.6	-	<i>Photocopy of the Aadhar Card of P^W1.</i>
Ex.P.7	-	<i>Photocopy of the Aadhar card of the 2nd petitioner.</i>
Ex.P.8	-	<i>Certificate filed by P^W1 under Section 63(4) of BSA</i>
Ex.P.9	-	<i>Affidavit of assets showing the net value of the estate as Rs.1,25,00,000/-</i>



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Ex.P.10	19.08.2025	<i>Copy of paper publication effected in one issue in Tamil daily "Dinakural".</i>
Ex.P.11	19.08.2025	<i>Copy of paper publication effected in one issue in English daily "Southern Mail".</i>
Ex.P.12	-	<i>Photocopy of Aadhar card of PW₂</i>
Ex.P.13	-	<i>Photocopy of Aadhar card of PW₃</i>

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