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O.P.No.88 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.08.2025**

CORAM

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

O.P.No.88 of 2025

S.Dhivyalakshumi

...Petitioner

Vs.

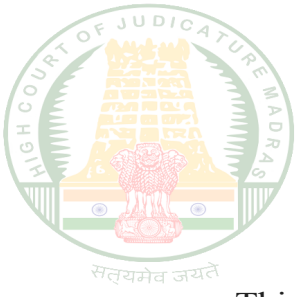
N.Srinivasan

... Respondent

PRAYER: Original Petition filed under Sections 232 and 276 of Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules of High Court of Madras praying to grant letters of Administration with the Will annexed to the petitioner/ as grandniece and beneficiary under the Will of the deceased D.Kothandaraman having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.T.Arunkumar

For Respondent : No appearance



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ORDER

WEB COPY This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 11.02.2021 executed by Mr.D.Kothandaraman, who died on 12.04.2023. The petitioner is the grand daughter and the sole respondent is the son of one Late.Mr.D.Narasimman, who is the brother of the testator.

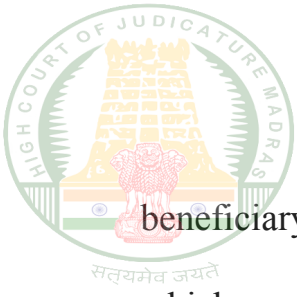
2. The petitioner submits that the testator did not have any issues and died as a bachelor and the parents of the testator had predeceased him. Further the Mrs.D.Amulu, testator had four siblings namely, Mr.D. Nara?imman, had Mr.Rangaswamy and Mrs. Yasodha and all of them had predeceased the testator. The petitioner states that she along with her dad one Mr.N.Sampath, who is the nephew of the testator, through his brother Late.Mr.D.Narasimman, had been rendering care and assistance to the testator, during his old age. Under Partition Deed dated 06.11.1985 registered as Document No.3436 of 1985 on the file of SRO Kodambakkam, the testator became the absolute owner of the immovable property specified in the schedule of the petition and that he was in enjoyment of the same until his death.



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3. The petitioner contends that the testator, prior to his demise had executed a Will dated 11.02.2021, registered as Document No.7 of 2021 in the SRO of Tiruvottiyur. By the virtue of the afore said Will dated 11.02.2021, the testator had bequeathed the immovable property mentioned in the schedule of the petition in favour of the petitioner, who is the granddaughter of Late.Mr.D.Narasiman, the brother of the testator. The petitioner is the only beneficiary named under the said will and the testator did not appoint any executors under the said Will. Therefore petitioner as the beneficiary of the will dated 11.02.2021, seeks issuance of Letters of Administration in respect of the property which is situated within the jurisdiction of this court.

4. The petitioner has examined herself as PW1. She has produced 5 documents to support her deposition, which are listed as Ex.P1 to Ex.P5 at the foot of the order. The Original Will dated 11.02.2021 executed by the testator has been marked as Ex.P1. The photocopy of the Death certificate of the testator has been marked as Ex.P2. As the evidence of the Title held by the testator towards the immovable property a Certified copy of the Registered Partition Deed dated 06.11.1985 has been marked as Ex.P3. From the perusal of the Will executed by the testator marked as Ex.P1, it can be substantiated that the petitioner is the sole



beneficiary named in the Will. The general paper publications have been effected which are marked as Ex.P5 and no objections have been received for the same.

5. The petitioner has examined Mr.P.Chandran and Mr.S.M.K.Sheriff, who are the first and the second attesting witnesses to the said Will PW2 as PW3, respectively. The aforesaid attesting witnesses have spoken about the execution of the Will by the testator and its attestation by them.

6. The service of notice upon the sole respondent has been completed. The sole respondent has expressed his consent to grant the letters of administration in favour of the petitioner, with respect to the Will dated 11.02.2021 and his consent affidavit reiterating his consent has been marked as Ex.P4.

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, in respect res of the Will dated 11.02.2021 of the testator Late.Mr.D.Kothandaraman. The



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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

Petitioners' witness:

P.W.1 – Mrs.S.Dhivyalakshumi

P.W.2 – Mr.P.Chandran

P.W.3 – Mr.S.M.K.Sheriff

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will executed by D.Kothandaraman dated 11.02.2021.
Ex.P2	Photocopy of the Death Certificate of D.Kothandaraman dated 18.05.2023.



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Ex.P3	Certified copy of the Registered Partition Deed dated 06.11.1985.
Ex.P4	Consent affidavit of Mr.N.Srinivasan.
Ex.P5	Copy of the paper publications issued in Tamil Daily Makkal Kural dated 30.06.2025 and English Daily Trinity Mirror dated 21.06.2025.
Ex.P6	Photocopy of Aadhaar Card of PW2.
Ex.P7	Photocopy of Aadhaar Card of PW3.

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K.KUMARESH BABU, J.

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