



WEB COPY

O.P.No.62 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.08.2025**

CORAM

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

O.P.No.62 of 2024

V.Subramanian

...Petitioner

Vs.

1.V.Thyagarajan

2.Suguna Srinivasan

3.Iyer Ganesan

4.Shanthi Ramakrishnan

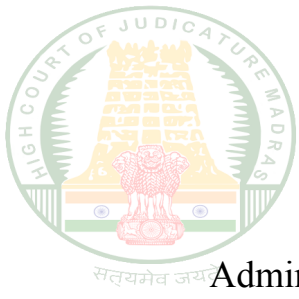
... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925 and Order XXV Rule 5 of the Original Side Rules praying to grant Letters of Administration with the Will annexed to the petitioner as son/ beneficiary under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.V.Gowthaman
and Mr.A.Saravanan

For Respondents : Mr.K.Manikandan

ORDER



WEB COPY

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 25.06.1999 executed by Mrs.Sakunthala Vaidyanatha, who died on 08.03.2019. The petitioner and the respondents 1 to 4 are the only legal heirs of the testatrix.

2. The petitioner submits that the testatrix was married to one Mr.Vaidyanathan and had begotten, the petitioner and the respondents 1 to 4 as her children out of the said wedlock. The petitioner submits that Mr.Vaidyanathan, his father and the husband of the testatrix predeceased the testatrix, leaving behind the petitioner and the respondents as the legal heirs of the testatrix.

3. The petitioner further submits that the testatrix along with her husband were absolute owner of the immovable property which they had purchased vide a Deed of Absolute Sale and Conveyance dated 19.01.1998, registered as Document No.1131 of 1998 in SRO of Virugambakkam, which was further developed into flats through the builder. The testatrix was the absolute owner of her share in the immovable property which is morefully described in the Schedule 'B'. The petitioner asserts that prior to er demise the testatrix had executed a Will dated 25.06.1999 registered as Document



No.90 of 1999 in the SRO of Kodambakkam. By the virtue of eh above said

Will executed by the testatrix, she had bequeathed the immovable property mentioned in the Schedule 'B' of the petitioner in favour of her son, the petitioner herein. Therefore the testatrix had named the petitioner as the sole beneficiary of the Will and had not appointed any executor to the said Will. Therefore, as the sole beneficiary to the Will dated 25.06.1999, the petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this Court.

4. The petitioner has examined himself as PW1. He has produced 10 Documents to support his depositions. The Original Will dated 25.06.1999 executed by the testatrix has been marked as Ex.P4. The photocopy of the Sale Deed dated 19.01.1998, executed in favour of the testatrix and her husband Late Mr.T.Vaidyanathan and registered as Document No1131 of 1998 has been marked as Ex.P3. The computer generated copy of the death certificate of the testatrix has been marked as Ex.P5. The computer generated copy of the legal heirship certificate of the testatrix has been marked as Ex.P6. The perusal of the Ex.P4, clearly substantiates claims made in the petition and unequivocally proves that the petitioner is the sole beneficiary named in the Will dated 25.06.1999 executed by the testatrix.



The general paper publications have been effected which are marked as Ex.P8 and Ex.P9 and no objections have been received for the same.

WEB COPY

5. The petitioner has examined Mr.B.Venkata Ramanan, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him along with the other attesting witness, Mrs.Shanthi Ramakrishnan.

6. The respondents 1 to 4 have expressed their consent to grant the Letters of Administration pertaining to the Will dated 25.06.1999, in favour of their brother, the petitioner herein. The respective consent affidavits of the respondents expressing their above said consent has been filed and the learned counsel who appeared on behalf of the respondents 1 to 4 had reiterated the respective consent affidavits of the respondents.

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 is granted in favour of the petitioner, in respect of the Will dated 25.06.1999 of the testatrix Late.Mrs.Shakunthala Vaidyanathan. The 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.

26.08.2025

dsa

Index :Yes/No

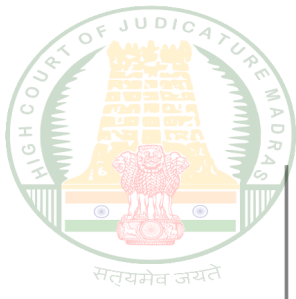
Petitioner's witness:

P.W.1 – Mr.V.Subramanian

P.W.2 – Mr.B.Venkata Ramanan

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Photocopy of the Sale Deed dated 19.03.1984 executed by Chinnaiyan and others in favour of the petitioner registered as Doc.No.870/1984. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P2	Photocopy of the sale deed dated 05.12.1997 executed by



WEB COPY

O.P.No.62 of



	the petitioner in favour of T.Vaidayanathan and V.Sakunthala registered as Doc.No.223/1997. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P3	Photocopy of the sale deed dated 19.01.1998 executed by the petitioner in favour of T.Vaidyanathan and V.Sakunthala registered as Doc.No.1131/1998. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P4	Original Will dated 25.06.1999 executed by Sakunthala Vaidyanathan registered as Doc.No.90/1999.
Ex.P5	Computer generated copy of the death certificate of Sakunthala who died on 08.03.2019.
Ex.P6	Computer generated copy of the legal heir certificate of V.Sakunthala issued on 20.03.2022.
Ex.P7	Photocopy of the family card of the petitioner.
Ex.P8	One issue of paper publication in English Daily "Trinity Mirror" dated 04.03.2025.
Ex.P9	One issue of paper publication in Tamil Daily "Makkal Kural" dated 25.02.2025.
Ex.P10	Affidavit of valuation of estate showing the net value of the estate is Rs.50,00,000/-
Ex.P11	Photocopy of the Aadhaar card of the 1 st attesting witness.

26.08.2025

dsa



WEB COPY

O.P.No.62 of



K.KUMARESH BABU, J.

dsa

O.P.No.62 of 2024

26.08.2025