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O.P.No.2 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.06.2025**

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

O.P.No.2 of 2024

Ramachandran S

...Petitioner

VS.

1.Mythili S
2.Thiagarajan S
3.Usha S
4.Mrs.Vijayalakshmi
5.Geetha Balaji
6.Karthik Rajagopalan
7.Sridharan

...Respondents

PRAYER: Original Petition filed under Section 232 & 276 of the Indian Succession Act under Order XXV Rule 5 of Original Side Rules, praying that to grant Letters of Administration with the Will annexed to him as legal heirs/beneficiary under the Will of the said deceased Ammani Ammal having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.Anirudh Krishnan

For Respondents : Mr.Ramkumar Natarajan



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ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 20.09.1978 executed by Late.Mrs.S.Ammami Ammal, who died on 23.12.1978. The testatrix had not appointed any executor under the will.

2. The petitioner states that the testatrix Mrs.S.Ammami Ammal got married to one Mr.T.S.Ramachandra Iyer, the couple had begotten Late.Mr.R.Subramanian, Late.Mrs.Saroja and Late.Mr.R.Ramanathan as their three children out of their wedlock. The petitioner and the respondents 1 to 3 are the legal heirs of Late.Mr.R.Subramanian. The respondents 4 to 6 are the legal heirs of Late.J.Rajagopalan, who is the deceased son of Late.Mrs.Saroja and respondent 7 is the another son of Late.Mrs.Saroja. The petitioner states that the another son of the testatrix Late.Mr.R.Ramanathan was estranged from the family even before the death of the testatrix and he died without leaving behind any legal heirs.

3. The petitioner submits that the testatrix before her death had executed a Will registered as Document No.68/1978 in SRO, Kodambakkam on 20.09.1978, in which she bequeathed all the immovable properties which



are mentioned in the will in favour of her second son

Late.Mr.R.Subramanian. The petitioner submits that in accordance with the Will dated 20.09.1978, the immovable property mentioned in the schedule to the petition was bequeathed in favour of his father. The petitioner further submits that his father who is sole beneficiary named in the Will, died intestate on 14.01.2020 leaving behind him and respondents 1 to 3 as his only legal heirs. Therefore the petitioner as the son of the beneficiary 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 9 documents to support his deposition, which are listed as Ex.P1 to Ex.P9 at the foot of the order. He has produced the original will dated 20.09.1978 as Ex.P3. The photocopy of the death certificates of the testatrix and the son of the testatrix Late.Mr.R.Subramanian have been marked as Ex.P4 and Ex.P6. The photocopy of the legal heirship certificate of the testatrix marked as Ex.P5 which proves that Late.Mr.R.Subramanian is the son of the testatrix. A perusal of Ex.P3 clearly substantiates that the father of the petitioner Late.Mr.R.Subramanian is the sole beneficiary named under the Will. The legal heirship certificate of Late.Mr.R.Subramanian is marked as Ex.P7, a perusal of which shows that the petitioner along with the respondents 1 to 3 are the



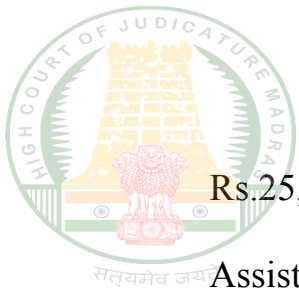
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only legal heirs of Late.Mr.R.Subramanian. The service of notices upon the respondents 1 to 7 had been recorded as completed vide order dated 18.03.2025. The learned counsel for the respondents 1 to 7 had appeared on behalf them and expressed the consent of the respondents to grant the letters of administration in favour of the petitioner. The general paper publications had been effected and are marked Ex.P8 and Ex.P9, no objections have been received for the same.

5. The petitioner submits the 1st attesting witness to the Ex.P3, Mr.M.S.Rajagoplan died. Therefore the daughter of the 1st attesting witness Mrs.K.Thangam has been examined as the third party witness. She had identified the signature of her father in Ex.P3.

6. 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

7. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners, in respect of the Will dated 20.09.1978 of the testatrix late.Mrs.S.Ammami Ammal. 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.

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Index :Yes/No

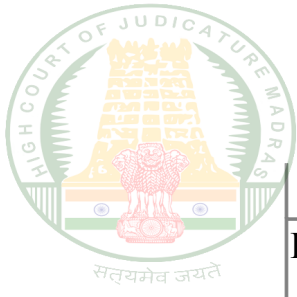
Petitioner's witness:

P.W.1 – Mr.Ramachandran.S

P.W.2 – Mrs.K.Thangam

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the registered sale deed bearing Document No.2340 of 1960 dated 10.07.1960.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Certified copy of the registered mortgage bearing Document No.2879 of 1971 dated 13.09.1971.
Ex.P3	Original Will and Testament executed by Testator dated 20.09.1978.
Ex.P4	Photocopy of the death certificate of Testator dated 05.05.1979.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	Photocopy of the legal heirs certificate of Testator dated 30.09.1996.
Ex.P6	Computer generated copy of the death certificate of R.Subramanian dated 06.02.2020.
Ex.P7	Computer generated copy of the legal heirs certificate of



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	R.Subramanian dated 16.08.2020.
Ex.P8	One issue of Paper publication in Tamil Daily “Indhu Tamizh Thisai” dated 29.11.2024.
Ex.P9	One issue of paper publication in English Daily “The New Indian Express” dated 07.12.2024.
Ex.P10	Photocopy of Aadhar card of P.W.2.

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