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O.P.No.747 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.06.2025**

CORAM

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

O.P.No.747 of 2023

S.Hemalatha

...Petitioner

VS.

1.V.S.Nadanavel
2.V.S.Saravanavel
3.V.S.Jayavel
4.T.Kavitha
5.T.Sai Nandhini
6.T.Sai Dinesh
7.T.Sai Preethi

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of O.S. Rules, prayed that Letters of Administration with the Will annexed may be granted to the petitioner as the daughter/legatee under the Will of the said deceased Thiru.V.Sivasankaran to have effect limited to the State of Tamil Nadu.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mr.N.Lakshman
(For R1 to R7)

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 17.01.1996 executed by



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late.V.Sivasankaran, who died on 08.08.1996. The petitioner is the daughter and the respondents 1 to 3 are the sons of the Testator. The respondents 4 to 7 are the legal heirs of V.S.Gopal, who is the deceased son of the testator. The petitioner and the respondents are the only surviving legal heirs of the testator. The testator's parents, wife and a son, who is bachelor, predeceased him. The petitioner is the only beneficiary under the said will. The testator did not appoint an executor under the Will. Hence, the petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The petitioner has examined herself as PW1. She has produced the death certificates of the Testator and his sons as Ex.P2, Ex.P4 and Ex.P7. The legal heir certificate of the testator and his sons as Ex.P3, Ex.P5 and Ex.P8. The original copy of the unregistered will and testament dated 17.01.1996 as Ex.P1. On perusal of the Ex.P3, Ex.P5 and Ex.P8, clearly exhibits that the testator died leaving behind his wife, a daughter and five sons as his surviving legal heirs. Further Ex.P5, shows that a son V.S.Gnanavel of the testator who died as bachelor, leaving behind his siblings who are the parties herein as his surviving legal heirs. Ex.P8, shows that a son V.S.Gopal of the testator died leaving behind his wife and children



as his surviving legal heirs, who are the respondents 4 to 7. The paper publications have been made and marked as Ex.P12 and Ex.P13. No objection was received from any person.

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3. Both the attesting witnesses were died and the death certificate of the first attesting witness was marked as Ex.P9. The petitioner had taken out an application in A.No.6378 of 2024 to examine Mrs.G.Sumathi, who is the third party and a daughter of first attesting witness to identify the signature of her father and to speak about the execution of the will and the same was allowed by this Court vide order dated 12.03.2025. In pursuance of the said order, the petitioner examined Mrs.G.Sumathi as PW2. She deposed that she was present along with her father at the time of execution. Further, she has spoken about the execution of the Will by the testator and identified the signature of the first attesting witness.

4. 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.



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5. 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 17.01.1996 of the testator late.V.Sivasankaran. 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.

05.06.2025

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Index :Yes/No

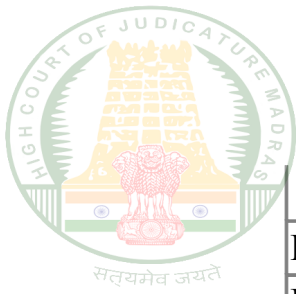
Petitioner's witness:

P.W.1 – Mrs.S.Hemalatha

P.W.2 – Mrs.G.Sumathi

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original unregistered Will and Testament dated 17.01.1996 executed by Mr.V.Sivasankaran.
Ex.P2	Computer generated death certificate of Mr.Sivasankaran.
Ex.P3	Photocopy of the legal heir ship certificate of Mr.Sivasankaran (Compared with the original)
Ex.P4	Photocopy of the death certificate of Mr.V.S.Gnanavel (Compared with the original)
Ex.P5	Photocopy of the legal heir ship certificate of Mr.Gnanavel (Compared with the original)
Ex.P6	Photocopy of the Tamilnadu Government Gazette publication regarding the name change of Mr.S.Thanigaivel



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	as Mr.V.S.Gopal(Compared with the original)
Ex.P7	Computer generated death certificate of Mr.Gopal.
Ex.P8	Photocopy of the legal heir ship certificate of Mr.Gopal.(Compared with the original)
Ex.P9	Computer generated death certificate of Mr.M.Gopal.
Ex.P10	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Affidavit of assets showing the net value of the estate as Rs.5,00,00,000/-
Ex.P12	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 09.03.2024.
Ex.P13	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 16.03.2024.
Ex.P14	Photocopy of Aadhar Card (Compared with the original)

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