



O.P.No.749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.749 of 2023

S.Vinod Kumar

... Petitioner

Vs

1.C.Vidya

2.N.Rajkumar

3.R.Pushpa

4.G.Uma

5.Viji

6.Kaveri

7.V.Anand

8.Veena Chacko

9.A.Ganesan

10.A.Ramachandran

11.Kamakshi

... Respondents

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 to grant Letters of Administration with Will annexed may be granted to petitioner as the grandson of the said Late Saraswathi having limited to the State of Tamil Nadu and pass such further or other orders.



WEB COPY



O.P.No.749 of 2023

For Petitioner : Mr.G.Vijayakumar

For Respondents : Mr.S.Gurunathan
for Mr.V.Sundararaman

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the will dated 05.05.2001 executed by Late.Mrs.Saraswathi, who died on 18.05.2001. The petitioner is the grandson and the 1st respondent is the granddaughter of the testatrix through her predeceased son Late.Mr.A.Subramanian, the 2nd respondent is the grandson of the testatrix through her son Late.Mr.Narayanan, the respondents 3 to 6 are the granddaughters of the testatrix through her daughter Late.Mrs.Valli, the 6th respondent is the daughter-in-law and the 7th and 8th respondents are the grandchildren of the testatrix through her another son Late.Mr.A.Venkatesan, the 9th and 10th respondents are the sons and the 11th respondent is the daughter of the testatrix. The petitioner submits that the property mentioned in the schedule was purchased by his father Late.Mr.A.Subramanian, he was in peaceful possession and enjoyment of the said property until his death. The above said Late.Mr.A.Subramanian died intestate on 30.07.1996, leaving behind Mrs.Saroja his wife, the petitioner and the 1st respondent and the testatrix,



O.P.No.749 of 2023

WEB COPY

his mother as his only legal heirs, each of the said legal heirs were entitled to a 1/4th undivided share in the schedule property. The testatrix died on 18.05.2001 and she had executed a Will on 05.05.2001. The petitioner seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The petitioner has examined himself as PW1. He has produced the original will dated 05.05.2001 executed by the testatrix as Ex.P3. The computer generated death certificates of the testatrix and her son Late.Mr.A.Subramanian has been marked as Ex.P6 and Ex.P4 respectively. The certified copy of the sale deed dated 02.08.1988 executed infavour of the Late.Mr.A.Subramanian has been marked as Ex.P1. The legal heir certificate of Late.Mr.A.Subramanian has been marked as Ex.P5. On perusal of the Ex.P5 shows that the petitioner is the son and the testatrix is the mother and of Late.Mr.Subramanian. The respondents 1 to 11 have expressed their consent to grant the Letters of Administration in favour of the petitioner and their respective consent affidavits has been filed. The learned counsel for the respondents 1 to 11 appeared on behalf of them and reiterated the consent affidavits. The general paper publications has been



O.P.No.749 of 2023

completed and are marked as Ex.P9 and Ex.P10, no objections were received for the same.

3. The petitioner has examined Mr.Ramachandran, 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 and the second attestator and has marked his affidavit as Ex.P12.

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.

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 05.05.2001 of the testatrix Late.Mrs.Saraswathi. 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.



O.P.No.749 of 2023

WEB COPY

23.04.2025

Gba

Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

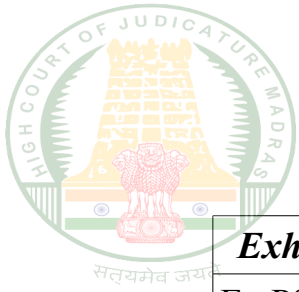
P.W.1 – Mr.S.Vinod Kumar

P.W.2 – Mr.A.Ramachandran

P.W.3 – Mrs.P.Vijayalakshmi

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The certified copy of the Sale Deed dated 02.08.1988 executed in favour of Mr.Subramanian (Compared with the original).
Ex.P2	The certified copy of the rectification deed dated 30.08.1988 executed in favour of Mr.Subrmanian (Compared with the original).
Ex.P3	The original undated Will executed by Mrs.Saraswathy Ammal.
Ex.P4	The computer generated death certificate of Mr.A.Subramanian.
Ex.P5	The photocopy of the legal heirship certificate of Mr.Subramanian (Compared with the original).
Ex.P6	The computer generated death certificate of Mrs.S.Saraswathi.
Ex.P7	The certificate under Section 65 B of the Indian Evidence Act, 1972.



O.P.No.749 of 2023

<i>Exhibits</i>	<i>Documents</i>
Ex.P8	The affidavit of assets showing the net value of the estate as Rs.1,15,00,000/-
Ex.P9	The copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 27.10.2024.
Ex.P10	The copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 04.11.2024.
Ex.P11	The photocopy of the aadhar card of PW ₂ (Compared with the original).
Ex.P12	The affidavit of PW ₂ .
Ex.P13	The photocopy of the aadhar card of PW ₃ (Compared with the original).
Ex.P14	The affidavit of PW ₃

Gba

23.04.2025



WEB COPY



O.P.No.749 of 2023

K.KUMARESH BABU.J.

Gba

O.P.No.749 of 2023

23.04.2025