



O.P. No. 455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

O.P. No. 455 of 2024

K. Mahesh

... Petitioner

Vs.

1.S. Ravindran

2.S. Kumaran

3.Alli

4.Santhi

5.R. Lakshmipriya

... Respondent

PRAYER: Original Petition is filed under Sections 232 & 276 of Indian Succession Act, 1925 r/w. Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed may be granted to the petitioner as the grandchild of the deceased namely, N.Sundaram having effect throughout the State of Tamil Nadu

For Petitioner : Mr. R. Jaya Prakash

For Respondents : Mr. M. Rakhi for R2

Mr. G.K. Muthu Kumar for R4

No appearance for R1, R3 & R5



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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 17.06.2004 executed by N.Sundaram, who died on 08.05.2010. The petitioner and the fifth respondent are the grandchildren of the testator. The respondents 1 to 4 are the children of the testator. The wife of the testator died on 17.10.2022. The petitioner and the fifth respondent are the beneficiaries under the Will. The testator has not appointed an executor under the Will. 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 himself as PW1. He has produced the death certificate of the Testator as Ex.P5. The certified copy of Will and testament dated 17.06.2004 as Ex.P2. The legal heirship certificate of the testator as Ex.P6. A perusal of the Ex.P6, shows that the testator died leaving behind his wife and four children who are the respondents herein. The death certificate of the testator's wife is Ex.P7. A perusal of Ex.P2 shows that the testator had bequeathed the property to his grandchildren, the petitioner and the fifth respondent herein. The paper publications were made and marked as Ex.C2 and Ex.C3. No objections were received from any



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person.

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3. The respondents 1, 3 and 5 inspite of service of notice on them, had kept themselves away from this proceedings. The consent affidavit of the second respondent is marked as Ex.C1. The learned counsel for the respondents 2 and 4 submitted that the respondents 2 and 4 have no objection to grant Letters of Administration in favour of the petitioner.

4. Mr. Mugunthan and Mr.P.Jayaraman, who are the attesting witnesses to the said Will have been examined as PW2 and PW3. They have spoken about the execution of the Will by the testator and its attestation by them.

5. 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.

6. 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 17.06.2004 of the testator late N.Sundaram. 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, respectfully.

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Index : Yes/No
Neutral Citations: Yes/ No
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List of witnesses examined on the side of the petitioner:

PW1- Mr. K. Mahesh

PW2- Mr. Mugunthan

PW3- Mr. P. Jayaraman

List of documents marked on the side of the petitioner:

Ex.P1	Ex.P1 is the certified copy of Sale Deed executed by V.Sathyamoorthy in favour of the N.Sundaram, registered as Doc.No.4622/2023 in the office of the District Registrar, Madras South, dated 10.10.2003.
Ex.P2	Certified copy of Will executed by N.Sundaram and registered as Document No.38 of 2004 in the office of the Joint Sub-Registrar-I at Cuddalore, dated 17.06.2004.
Ex.P3	Original Birth Certificate of the petitioner Mahesh, (the birth date on 17.11.2003), dated 25.11.2004.
Ex.P4	Photocopy of the Aadhar card of the petitioner.
Ex.P5	Ex.P5 is the Original Death Certificate of N.Sundaram, (died on 08.05.2010), dated 14.06.2022.
Ex.P6	Original Legal Heirship Certificate of Late.N.Sundaram, dated 23.09.2022.
Ex.P7	Online copy of the Death Certificate of S.Kamala, (died on 17.10.2022) dated 04.11.2022.
Ex.P8	Affidavit of Assets.
Ex.C1	Consent affidavit filed by S.Kumaran
Ex.C2	Paper Publication in English edition Trinity Mirror dated 09.04.2025.
Ex.C3	Paper Publication in Tamil edition Makkal Kural dated 02.04.2025.

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