



O.P.No.586 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.586 of 2020

S.Balaji

... Petitioner

Vs

1.Karthikeyan

2.V.Mahadevan @ Aswin Kumar

3.M.Annapoorani

4.M.Sairam

5.S.Gayathiri

... Respondents

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act 1925 read with Order XXV Rule 4 of the Madras High Court Original Side Rules, 1956 for grant of Letters of Administration with the Will annexed to the petitioner as his Grand son/beneficiary under the said Will of deceased thereof, to have effect throughout the Union of India.

For Petitioner : Mr.K.Anbarasan

For Respondents : Set exparte on 25.09.2024



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ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 08.11.1996 executed by late.Balakrishna Boopathy, who died on 23.12.2005. The petitioner and respondents are the grandchildren of the testator and only surviving legal heirs of the testator. The petitioner is the only beneficiary under the said will and the respondents are entitled to receive a lump sum money. The respondents inspite of service of notice have remained absent and kept themselves away from this proceedings. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The petitioner has been examined as PW1. He has produced the death certificates of the Testator and testator's wife late.Kasthuri Balakrishnan, who predeceased her husband as Ex.P3 and Ex.P2. The Original registered will and testament dated 08.11.1996 as Ex.P6. The legal heir certificate of the testator as Ex.P5. On perusal of the Ex.P5, it clearly exhibits that the testator had two sons and two daughters. From Ex.P6, it could be deciphered that the testator had indicated that the petitioner and



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respondents are the children of the legal heirs of the testator.

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3. The petitioner has examined Mr.Mohammed Yusuf Sheriff, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator and its attestation by him.

4. 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 08.11.1996 of the testator late.Balakrishna Boopathy. 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

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 —Mr.S.Balaji

P.W.2 – Mr.Mohammed Yusuf Sheriff



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Documents exhibited by the petitioners:

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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the pucca sale deed dated 25.02.1991 executed in favour of B.Balakrishna Boopathy, (compared with the original)
Ex.P2	Computer generated death certificate of Mrs.Kasthuri Bala Krishnan
Ex.P3	Computer generated death certificate of Mr.B.Balakrishna Boopathy
Ex.P4	Computer generated death certificate of Mrs.B.Meenakshi Sundaram
Ex.P5	Original Legal heirship certificate of Mr.B.Balakrishna Boopathy
Ex.P6	Original registered Will and Testament dated 08.11.1996 executed by Mr.B.Balakrishna Boopathy
Ex.P7	Affidavit of assets showing the net value of estate as Rs.64,32,000/-
Ex.P8	Certificate under Section 65B of the Indian Evidence Act, 1872
Ex.P9	Photocopy of the PW-2's Aadhaar Card (Compared with the Original)

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