



WEB COPY

O.P.No.773 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.04.2025**

CORAM

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

O.P.No.773 of 2023

B.Venkatrao

...Petitioner

vs.

1.B.Usha

2.B.Tharabai

3.P.Venkatesh

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act (Act 39 of 1925) and under Order XXV Rule 5 of O.S. Rules, 1956, praying to grant Letter of Administration with the Will annexed dated 26.04.1999, registered as document No.19 of 1999 at SRO, Velachery, annexed herein in favour of the petitioner as the elder son/beneficiary/Legatee under the Will of the said deceased Smt.Girijabai, having effect limited through out the State of Tamil Nadu.

For Petitioner : M/s.R.Bharathi

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 26.04.1999 executed by Late.Mrs.Girija Bai, who died on 17.01.2013. The petitioner and the first



WEB COPY

respondent are the sons the testatrix, whereas the second respondent is the daughter of the testatrix and the third respondent is the grandson of the testatrix and also the only surviving legal heir of her deceased son Late.B.Prakash. The petitioner submits that the said property in the schedule was constructed by him on the plot which was allocated to the testatrix under an Order of allotment by the Tamilnadu Slum Clearance Board in its proceedings No.Che.Mu.Ka.No.35469/99/E4 dated 13.03.2000. The petitioner submits that according to the will executed by the testatrix dated 26.04.1999, he is been named as the sole beneficiary under the said will. There has been no appointment of an executor under the said Will. The respondents 1 and 2 were served with the notice and subsequently the service upon the 3rd respondent has been completed through the substituted service by the paper publication which was allowed under the application A.No.1826 of 2024. The 1st and 2nd respondent had given their consent to grant the letter of administration in favour the petitioner through the consent affidavits which was filed after the service of notice was completed. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.



WEB COPY

2. The petitioner has examined himself as PW1. He has produced the certified copy of the registered will and testament dated 26.04.1999 as Ex.P1. The death certificates of the Testatrix, the husband of the testatrix Late.Mr.S.Baburao and Late.Mr.B.Prakash, the deceased son of the testatrix are marked as Ex.P5, Ex.P4 and Ex.P8 respectively. The legal heir certificates testatrix and the husband of the testatrix Late.Mr.S.Baburao have been marked as Ex.P6 and Ex.P4. The photocopy of the rectified allotment order dated 13.03.2000 issued by Tamil Nadu Slum Clearance Board in favour of the testatrix has been marked as Ex.P3. On perusal of Ex.P6 it is clear that the petitioner and the 1st and 2nd respondents are the only surviving legal heirs of the testatrix. From the perusal of the Ex.P1 it is clear that the petitioner is the sole beneficiary named under the said Will dated 26.04.1999. The general paper publications have been made which are marked as Ex.P14 and Ex.P15.

3. The petitioner has examined Mr.B.Dharmendra, a third party witness to the said Will as PW2. The two attesting witnesses to the said Will dated 16.04.1999, Late.Mr.Baburao and Late.Mr.B.Prakash had died, hence a third party witness has been examined. He has spoken about the execution of the Will by the testator and has identified the signatures of the attesting



witnesses and has marked his affidavit as Ex.P17.

WEB COPY

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 petitioners, in respect of the Will dated 26.04.1999 executed by the testatrix Late.Mrs.Girija Bai. The petitioners are 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.

08.04.2025

kak

Index :Yes/No



Petitioner's witness:

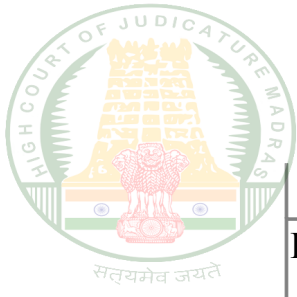
P.W.1 – Mr.B.Venkatrao

P.W.2 - Mr.B.Dharmendra

WEB COPY

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 26.04.1999 executed by Mrs.S.Girija Bai.
Ex.P2	Photocopy of the allotment order dated 19.11.1991 issued by Tamil Nadu Slum Clearance Board in favour of Mrs.Girija Bai/Mr.Babu Rao (Compared with the original)
Ex.P3	Photocopy of the rectified allotment order dated 13.03.2000 issued by Tamil Nadu Slum Clearance Board in favour of Mrs.Girija Bai/Mr.Babu Rao along with sketch (Compared with the original)
Ex.P4	Computer generated death certificate of Mr.S.Baburao.
Ex.P5	Computer generated death certificate of Mrs.Girija Bai.
Ex.P6	Photocopy of the legal heir ship certificate of Mrs.Girija Bai.(Compared with the original)
Ex.P7	Computer generated death certificate of Mrs.P.Sarojini.
Ex.P8	Computer generated death certificate of Mr.B.Prakash.
Ex.P9	Photocopy of the property tax demand card standing in my name (Compared with the original)
Ex.P10	Photocopy of the water and sewerage tax card standing in my name (Compared with the original)
Ex.P11	Photocopy of the electricity consumption card standing in my name (Compared with the original)
Ex.P12	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P13	Affidavit of assets showing the net value of the estate as Rs.28,00,000/- (Compared with the original)
Ex.P14	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 24.08.2024.
Ex.P15	Copy of the paper publication effected in one issue of



WEB COPY

O.P.No.773 of



	English Daily “Trinity Mirror” dated 01.09.2024.
Ex.P16	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P17	Affidavit.

kak

08.04.2025



WEB COPY

O.P.No.773 of



K.KUMARESH BABU, J.

kak

O.P.No.773 of 2023

08.04.2025