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O.P.No.551 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.07.2025**

CORAM

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

**O.P.No.551 of 2024**

1.Mr.Sridharlal  
2.N.Girija Kripalani  
3.Mrs.S.Radhika  
4.Mr.Kamalesh  
5.Mr.S.Surekha  
6.Mrs.K.Kalpana  
7.Mrs.A.Vanitha Babini  
8.Mr.A.Mithulesh  
9.Mr.A.Pradeep

...Petitioners

vs.

M.Nirdosh Lal

...Respondent

**PRAYER:** Original Petition filed under Section 232 and 276 of Indian Succession Act & ORDER XXV Rule 5 of O.S. Rules, praying that the letters of administration with the Will annexed may be granted to the petitioners as the legal heirs of the Sole Beneficiaries to the deceased Lakshmi Devi the legatees under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Mr.N.Nagu Sah

For Respondent : Ms.T.Poovitha

**ORDER**



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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 09.11.1969 executed by Late Mrs.Parvathi Bai, who died on 22.11.1970. The testatrix had appointed, Mr.M.A.Manmohan Lal as the executor of the Will and he died on 18.11.1973 without probating the Will.

2. The petitioners submits that the testatrix Late Mrs.Parvathi Bai got married to one Late Mr.Siva Shankar Lal. The couple did not have any issues in their duration of marriage. The petitioners states that the testatrix was the owner of the immovable property mentioned in the schedule of the petition through the decree dated 11.12.1957 passed in the partition Suit in O.S.No.509 of 1951. The petitioners contends that the testatrix before her death had executed a Will dated 09.11.1969, in which she had absolutely bequeathed immovable property mentioned in the schedule of the petition in favour of her sister-in-law, Late Mrs.Lakshmi Devi who is sister of the testatrix's husband. The petitioners submit that the sole beneficiary of the Will Late Mrs.Lakshmi Devi died on 15.06.1981 and she was married to one Mr.Manmohan Lal who predeceased her on 18.11.1973. The couple had begotten the 1<sup>st</sup>, 2<sup>nd</sup> and 6<sup>th</sup> petitioners, the sole respondent, Late.Mr.Anantharamlal and Late.Mr.M.Surendranath as the only children. The petitioners 3 to 5 are the legal heirs of Late.Mr.M.Surendranath and the



petitioners 7 to 9 are the legal heirs of Late.Mr.Anantharamlal. Therefore petitioners as the legal heirs of Late Mrs.Lakshmi Devi, the sole beneficiary named under the said Will seeks the issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

3. The first petitioner has examined himself as PW1 and he had produced 17 documents to support his deposition which are listed as Ex.P1 to Ex.P17 at the foot of the order. He had produced the Original Will dated 09.11.1969 registered as Document No.51/1969. As the evidence of the title of the immovable property held by the testatrix, photocopy of the Patta in favour of the testatrix has been marked as Ex.P6. The original decree dated 11.12.1957 passed in the partition suit of O.S.No.509/1951 has been marked as Ex.P2. The online death certificate of the Lakshmi Devi and Mr.M.A.Manmohan Lal has been marked as Ex.P6 and Ex.P8 respectively. The legal heirship certificate of Lakshmi Devi has been marked as Ex.P7. The online death certificates of Late Mr.Surendranath and Late Mr.Anantharamlal has been marked as Ex.P9 and Ex.P11 respectively. The legal heirship certificate of Late Mr.Surendranath has been marked as Ex.P10. A perusal of the Ex.P4 clearly substantiates the claims made in the petition, that Late Mrs.Lakshmi Devi was named as the sole beneficiary in the Will executed by the testatrix. From the combined perusal of Ex.P7 and Ex.P10 it can be



established that the petitioners are the legal heirs of Late Mrs.Lakshmi Devi.

The general paper publication has been effected which are marked as Ex.P16 and Ex.P17 and no objections were received for the same.

4. A third party Mr.S.Eswar Sah has been examined as PW2. He has spoken about the execution of the Will by the testatrix and the attestation of the attesting witnesses Mr. Venkoba Rao and Mr.Thanigaivel. His affidavit has been marked as Ex.P12, in which he has explained that he has identified the signature of Mr.J.A.Venkoba Rao who is the 1<sup>st</sup> attesting witness to the Will and the signature of the testatrix in Ex.P4.

5. The service of notice upon the sole respondent has been completed and the learned counsel for the respondent had appeared on behalf of him and had expressed his consent to grant the Letters of Administration in favour of the petitioners.

6. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are entitled to the relief

7. 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 09.11.1969 of the testatrix Late Mrs.Parvathi 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 petitioners are 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

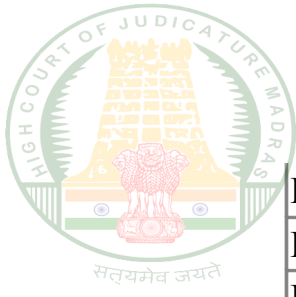
**Petitioner's witness:**

P.W.1 – Mr.M.Sridhar Lal

P.W.2 – Mr.S.Eswar Sah

**Documents exhibited by the petitioners:**

| Exhibits | Documents                                                                           |
|----------|-------------------------------------------------------------------------------------|
| Ex.P1    | Online copy of the Death certificate of the deceased Parvathi Bai dated 20.10.2023. |
| Ex.P2    | Original Decree dated 11.12.1957 in O.S.No.509/1951.                                |
| Ex.P3    | Photocopy of the Patta in favour of Parvathi Bai.                                   |
| Ex.P4    | Original Registered WILL Document No.51/1969 dated 09.11.1969.                      |
| Ex.P5    | Affidavit of Assets.                                                                |
| Ex.P6    | Online death certificate of Lakshmi Devi dated 20.10.2023.                          |
| Ex.P7    | Certified copy of the Legal heirship certificate of Lakshmi Devi dated 09.09.1997.  |
| Ex.P8    | Online death certificate of M.A.Munmohan Lal dated 20.10.2023.                      |
| Ex.P9    | Online death certificate of Surendranath dated 10.07.2023.                          |
| Ex.P10   | Online legal heir certificate of Surendranath dated 22.07.2023.                     |



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| Ex.P11 | Online death certificate of Anantharamlal dated 20.10.2023.                |
| Ex.P12 | Third party affidavit filed by Eswar Sah.                                  |
| Ex.P13 | Office copy of notice dated 19.02.2024 with returned cover (2 Nos.)        |
| Ex.P14 | Consent affidavit filed by the respondent.                                 |
| Ex.P15 | Online copy of property tax receipt dated 28.03.2024.                      |
| Ex.P16 | Paper publication issued in English daily Trinity Mirror dated 13.02.2025. |
| Ex.P17 | Paper publication issued in Tamil daily Makkal Kural dated 05.02.2025.     |

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**K.KUMARESH BABU, J.**

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