



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.06.2025**

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

O.P.No.784 of 2024

S.Christopher

...Petitioner

vs.

1.Vasanth Samuel

2.Victor Samuel

3.S.Elizabeth Samuel

...Respondents

PRAYER: Original Petition filed under Section 232, 255 and 276 of Indian Succession Act, 1925 read with order XXV Rule 5 of O.S.Rules, praying to grant Letter of Administration with the Will to the petitioner as son/one of the beneficiary named in the said Will executed by the deceased throughout the State of Tamil Nadu and limited to the assets mentioned in the affidavit of assets.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.V.Sugumaran

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 27.01.2015 executed by Late Mr.Samuel, who died on 29.03.2015. The petitioner and the respondents 1 to 3 are the only legal heirs of the testator.



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2. The petitioner submits that the testator got married to the 1st respondent and had begotten the petitioner along with the respondents 2 and 3 as their children in the duration of their marriage. The petitioner submits that the testator had purchased a vacant land through a Sale Deed dated 23.04.1983, registered as Document No. 818 of 1983, upon which the property mentioned in the Schedule 'A' of the petition is built. The petitioner concedes that the testator before his death had executed a Will dated 27.01.2015 registered as Document No. 02 of 2015 in the SRO, Velachery, in which the testator had bequeathed the following; the property mentioned under schedule 'B' of the petition in favour of the 2nd respondent and the property mentioned in the Schedule 'C' of the petition is bequeathed in favour of the petitioner. The petitioner and the 2nd respondent are the only beneficiaries under the said will. The petitioner seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

3. The petitioner has examined himself as PW1, he had produced 8 documents which are listed as Ex.P1 to Ex.P8 at the foot of the order. The original registered will dated 27.01.2015 has been marked as Ex.P4. The certified copy of the death certificate of the testator has been marked as Ex.P1. The certified copy of the legal heirship certificate of the testator has



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been marked as Ex.P2. As the evidence to the title held by the testator to the immovable property a Sale Deed dated 23.04.1983 has been marked as Ex.P5. A perusal of Ex.P1 substantiates the claims made in the petition that the petitioner is named as the beneficiary to the property mentioned in the Schedule 'C' of the petition and the 2nd respondent is named as the beneficiary to the property mentioned in Schedule 'B' of the petition. The perusal of Ex.P2 proves that the petitioner and the respondents 1 to 3 are the only legal heirs of the testator.

4. The respondents 1 to 3 have expressed their consent to grant the Letters of Administration in favour of the petitioner and their respective consent affidavits have been filed along with the petition. The notice upon the respondents 1 to 3 has been verified and recorded as completed *vide* order dated 28.04.2025. The learned counsel to the respondents 1 to 3 have appeared on behalf of them and reiterated their respective consent affidavits. The general paper publication has effected and the same are marked as Ex.P7 and no objections were received for the same.

5. The petitioner has examined Mrs.Helan Victor, who is the second attesting witness to the said Will as PW2. She has spoken about the execution of the Will by the testator and its attestation by her along with the other attesting witness Mr.Doss and has marked her affidavit as Ex.P9.



6. 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.

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 27.01.2015 of the testator Late Mr.Samuel . 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.

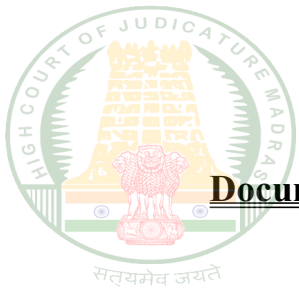
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Index :Yes/No

Petitioner's witness:

P.W.1 –Mr.S.Christopher

P.W.2-Mrs.Helan Victor

**Documents exhibited by the petitioner:**

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Exhibits	Documents
Ex.P1	Original Death Certificate of Mr.Samuel who died on 29.03.2015.
Ex.P2	Certified copy of the legal heirship certificate of Mr.Samuel dated 29.07.2015.
Ex.P3	Certified copy of the patta bearing No.3797 dated 23.09.1987.
Ex.P4	Original Will registered Doc.No.2/2015 dated 27.01.2015
Ex.P5	Photocopy of the sale deed dated 23.04.1983
Ex.P6	Computer generated copy of the encumbrance certificate dated 01.09.2023
Ex.P7	One issue of paper publication in Tamil Daily "Makkal Kural" dated 06.03.2025
Ex.P8	Certificate under Section 65B of Indian Evidence Act is filed for Ex.P6
Ex.P9	The affidavit
Ex.P10	The photocopy of the Aadhar card of the 2nd attesting witness (compared with original)

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