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O.P.No.179 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.06.2025**

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

O.P.No.179 of 2024

R.Kumar

...Petitioner

VS.

1.Mrs.Toduri Madhabushhi Kamakshi
2.Mrs.Vijayalakshmi Narayanan
3.Mrs.R.Seethamani

...Respondents

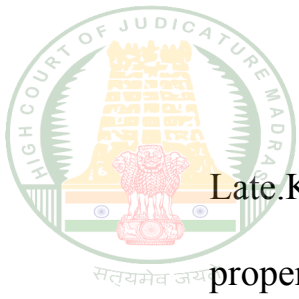
PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act, 1925, read with Order XXV, Rule 5 of O.S. Rules, praying that Letters of Administration with the Will annexed may be granted to the petitioner as a son/beneficiary Legatee under the WILL of the said deceased K.Rama Iyer having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.B.Christ Das

For Respondents : No appearance (For R1 to R3)

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 24.04.1991 executed by Late.Mr.K.Rama Iyer, who died on 30.12.1994. The petitioner and the respondents 1 and 2 are the legal heirs of the testator, whereas the 3rd respondent is the daughter-in-law of the testator through his deceased son

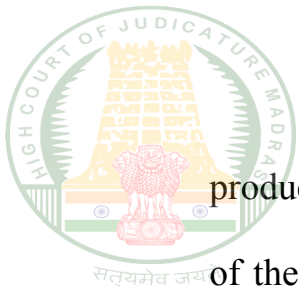


Late.K.Krishnamurthy. The petitioner is only beneficiary for the subject property under the said Will.

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2. The petitioner submits that the testator got married to one Mrs.P.Parvathi and had begotten five children including the petitioner and respondents 1 and 2. The testator had another son Mr.Krishnamurthy who died on 16.06.2017 and his wife, as his legal heir had herein been included the 3rd respondent. Another daughter of the testator Mrs.R.Ambujam died on 26.01.2023. The petitioner submits that the testator before his death had executed a Will on 24.01.1999, where he had bequeathed the property mentioned in the schedule of the Petition absolutely in favour of the petitioner provided he fulfilled certain terms which are more fully described in the Will. As per wish of testator the petitioner has paid Rs.25,000/- to 3rd respondent the legal heir of Mr.R.Krishnamurthy and has paid the respondents 1 and 2 each a sum of Rs.15,000/-. Therefore the petitioner seeks issuance of Letters of Administration in respect of the property situated within the jurisdiction of this Court.

3. The petitioner has examined himself as PW1, he has marked 8 documents which are listed as Ex.P1 to Ex.P8 at the foot of the order. He has



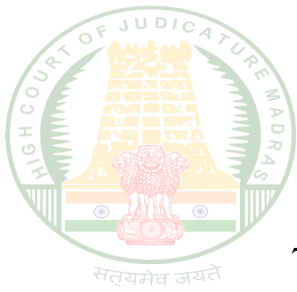
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produced the original Will dated 24.04.1991 as Ex.P1. The death certificates of the testator and his wife has been marked as Ex.P2 and Ex.P3. The death certificate of Mr.R.Krishnamurthy and Mrs.R.Ambujam are marked as Ex.P4 and Ex.P5. The legal heirship certificate of the testator had been marked as Ex.P6. As the evidence of the title to the property held by the testator, the photocopy of the Sale Deed dated 19.02.1993 has been marked as Ex.P7. The general paper publications had been effected.

4. The petitioner has examined Mr.P.Santhakumar, 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 and the second attester Mr.V.J.Nanda Kumar and has marked his affidavit as Ex.P9.

5. Its recorded that service upon all the respondents 1 to 3 have been completed vide the order dated 08.04.2025. In spite of the service been completed the respondents chose to keep themselves away from the proceedings.

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



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7. 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 24.04.1991 of the testator late.Mr.K.Rama Iyer. 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

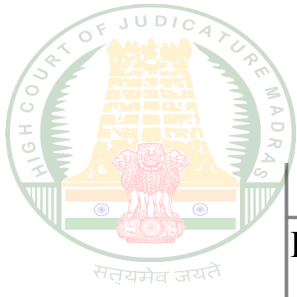
Petitioner's witness:

P.W.1 – Mr.R.Kumar

P.W.2 – Mr.P.Santhakumar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will of Late.K.Rama Iyer dated 24.04.1991.
Ex.P2	Original death certificate of K.Rama Iyer who died on 30.12.1994.
Ex.P3	Photocopy of the death certificate of R.Parvathy who died on 02.03.2020.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Photocopy of the death certificate of R.Krishnamurthy who died on 16.06.2017.
Ex.P5	Computer generated death certificate of R.Ambujam who



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	died on 26.01.2023.
Ex.P6	Computer generated legal heir certificate of K.Rama Iyer dated 03.05.2023.
Ex.P7	Photocopy of the Sale Deed dated 19.02.1993.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P8	Photocopy of the Aadhaar card of petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P9	Affidavit of attesting witness of P.W.2.
Ex.P10	Photocopy of Aadhaar card of P.W.2

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