



O.P.No.848 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.848 of 2023

S.Sampath Kumar

... Petitioner

Vs

1.M.Arumugam

2.M.Anandan

3.M.Kumar

4.S.Subathira (alias) Menaka

5.P.Asha

6.P.Rajalakshmi

... Respondents

PRAYER: Original Petition filed for Letters of Administration with Will annexed under Sections 232 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 to grant Letters of Administration to the petitioner as the beneficiary under the Will of the said deceased V.Dhanammal to have effect throughout the State of Tamil Nadu and pass such further or other orders.



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For Petitioner : Mr.A.Thiyagarajan
Senior Counsel for Mr.S.Aravind Raj

For Respondents : Mr.R.S.Sakthi Bal

for Mr.S.Ramesh for R1 to R6

ORDER

The Original Petition had been filed for issuance of Letters of Administration in respect of Will dated 19.02.1973 executed by one late Mrs.V.Dhanammal.

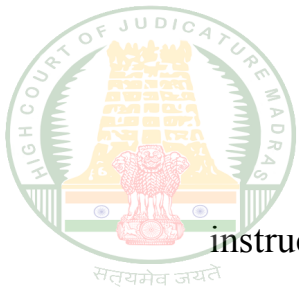
2. The case of the petitioner is that the testatrix is the wife of his paternal uncle late Mr.Vedachala Mudaliar. The testatrix late Dhanammal had executed a registered Will bearing Document No.5 of 1973 dated 19.02.1973 on the file of the SRO Triplicane, Chennai. Under the Will, she had bequeathed the property to the petitioner and one Mrs.Selvanayaki for life and thereafter to her sons and daughters. He would submit that it is the further case that the said Mrs.Selvanayaki had also died on 12.12.2005 and the respondents 1 to 4 are the children of the said Selvanayaki and respondents 5 to 6 are the wife and daughter of a predeceased son Palani; two of



her sons remained bachelor and they had also died on 06.02.1993 and 25.01.2010.

3. It is the further case of the petitioner that the first and the fourth respondent had executed a Release Deed in favour of the second respondent. As a beneficiary of the Will, he would seek for a Letters of Administration to administer the property.

4. The petitioner has examined himself as PW1 and had marked Ex.P1 to P13 which has been listed at the foot of the order. Under Ex.P1, the registered Will had been marked; Ex.P2 evidencing the death of the testatrix; Ex.P6 evidences the death of the Selvanayaki; Ex.P3, Ex.P4 & Ex.P7 proves the death of three sons of Selvanayaki of whom two were bachelors. Ex.P5 is the legal heir certificate of one son late Mr.Palani which indicates that respondents 5 and 6 are the legal heirs of the said deceased son. Ex.P1, the Will further evidences that the petitioner had been bequeathed with 1,397 Sq.ft and the said Selvanayaki was given a life interest in 3073 Sq.ft for her life and thereafter the property is to devolve upon her children. The respondents 1, 2, 4, 5 & 6 have filed their consent affidavits. The respondents were also represented by a counsel, who on



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instruction would submit that there is no objections for grant of Letters of Administration as prayed for. The paper publications have been effected and are marked as Ex.P12 and Ex.P13, no objections have been recieved for the same.

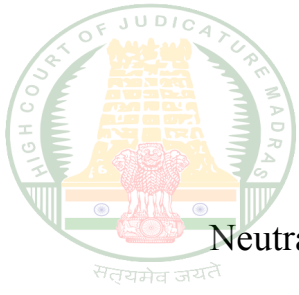
5. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

6. 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 19.02.1973 of the testatrix Late.Mrs.V.Dhanammal. 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

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Neutral Citation: Yes/No

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Petitioner's witness:

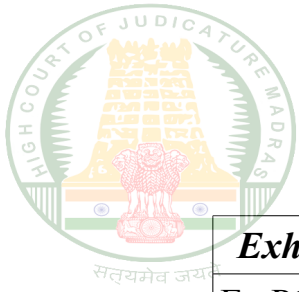
P.W.1 – Mr.S.Sampath Kumar

P.W.2 – Mr.R.Manoharan

P.W.3 – Mr.G.Ramesh

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will dated 19.02.1973 executed by Mrs.V.Dhanammal.
Ex.P2	Original death certificate of Mrs.Dhanammal.
Ex.P3	The photocopy of the death certificate of Mr.M.Palani [Compared with the original].
Ex.P4	The computer generated death certificate of Mr.Deenan @ Deenathayalan
Ex.P5	Photocopy of the legal heirship certificate of Mr.M.Palani [Compared with the original].
Ex.P6	Photocopy of the death certificate of Mrs.M.Selvanayagi [Compared with the original].
Ex.P7	The computer generated death certificate of Mr.Krishnamoorthy.
Ex.P8	The photocopy of the Aadhaar card of the petitioner [Compared with the original].
Ex.P9	Photocopy of the Release Deed dated 02.02.2015 executed in favour of Mr.M.Anandan [Compared with the original].
Ex.P10	Photocopy of the Release Deed dated 15.12.2015 executed in favour of Mr.M.Anandan.
Ex.P11	The affidavit of assets showing the net value of the estate.
Ex.P12	The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 19.05.2024.
Ex.P13	The copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 26.05.2024.
Ex.P14	The affidavit of PW3.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P15	The photocopy of the aadhar card of PW3 (Compared with the original).
Ex.P16	The photocopy of the Sale deed dated 02.06.1967 (Compared with the original).
Ex.P17	The computer generated death certificate of Mr.P.K.Balasubramania Mudaliar
Ex.P18	The cerificate under section 65 B of Indian Evidence Act
Ex.P19	The photocopy of the aadhar card of PW2 (Compared with the original).
Ex.P20	The affidavit of PW2.

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