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O.P.No.809 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.08.2025**

CORAM

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

O.P.No.809 of 2024

- 1) Mrs.A.Ambika
- 2) Mrs.Manonmani
- 3) Mrs.J.Nirmala
- 4) Mrs.K.N.Saroja
- 5) Mrs.R.Vanisri

...Petitioners

PRAYER: Original Petition filed for Letters of Administration 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 for grant of Letters of Administration with the Will annexed may be granted to petitioners as the daughters and the legatee under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : M/s.R.Ravindran

ORDER

This Original Petition was initially filed for issuance of Letters of Administration in respect of the Will dated 22.06.2001 executed by Mr.K.V.Nityanadam who died on 14.11.2019. Later on the date of 25.08.2025, the petitioners 1 to 5 had filed a memo, seeking to modify the



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relief originally sought in the present Original Petition by converting the prayer as to grant the Letters of Administration in respect of the estate of the deceased without any reference to the Will. The petitioners sought the above said modification of the prayer, as they were unable to examine the attesting witnesses to the Will dated 22.06.2001, since one of the attesting witness to the Will Mr.A.M.Kannan died on 17.06.2024 as corroborated by his death certificate (Ex.P10), and the other attesting Witness Mr.N.Subramani, who is presently aged about 88 years, is hospitalized and hence is unable to appear and depose as a witness.

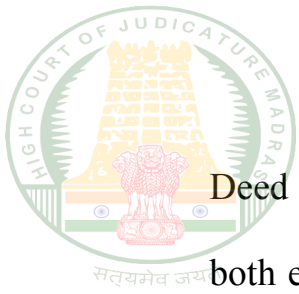
2. The petitioners submit that the above said deceased Late. Mr.K.V.Nityanadam was married to one Mrs.N.Vasanth and had begotten the petitioners 1 to 5 as their children out of the said wedlock. The petitioners further submit that their father had purchased an immovable property of a vacant housing plot vide Conveyance Deed dated 26.09.1968, registered as Document No.3705 of 1986 in the SRO of Sembium. The petitioners state that testator during his lifetime was employed as a Railway Servant under the Ministry of Railways, Government of India. In order to develop and construct a building in the aforesaid vacant plot, the testator himself had mortgaged the above said immovable property with his employer, the President of India,



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vide a Mortgage Deed dated 26.02.1972 registered as Document No.753 of 1972 in SRO of Sembium. Subsequently, in order to complete the construction, the testator had borrowed additional loan amount and had accordingly executed a Supplementary Mortgage Deed dated 27.01.1973 registered as Document No.300 of 1973 in SRO of Sembium for the same. The petitioners further submit that the testator had developed the immovable property and constructed a house bearing ground and first floor, and enjoyed the same until his lifetime. The petitioner submits that the testator died on 14.11.2019 leaving behind his wife and his daughters, the petitioners herein as his only legal heirs. Subsequently Mrs.N.Vasantha, the wife of the testator died on 14.04.2021, thereby leaving behind the petitioners 1 to 5 as the sole legal heirs of the deceased Late.Mr.K.V.Nityanadam. Therefore the petitioners 1 to 5 as the sole legal heir of the deceased seeks issuance of Letters of Administration in respect of the property mentioned in the petition, which is situated within the jurisdiction of this court.

3. The 4th petitioner has been examined as PW1. She has produced 17 documents to support her depositions which are listed as Ex.P1 to Ex.P17 at the foot of the order. The photocopy of the Conveyance Deed dated 26.09.1968 has been marked as Ex.P2. The photocopies of the Mortgage

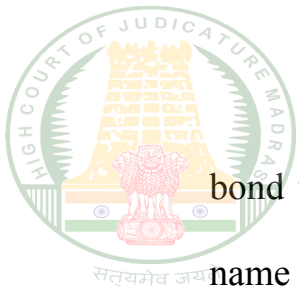


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Deed dated 26.02.1972 and Supplementary Mortgage Deed dated 27.01.1973, both executed by the testator to the President of India, Ministry of Railways, pertaining to the subject property. The printouts of the death certificates of the testator and his wife, Late.Mrs.Vasanth, have been marked as Ex.P6 and Ex.P8 respectively. The printout of the Legal heirship certificate of the testator has been marked as Ex.P7. The perusal of the aforesaid Ex.P7, clearly proves that the petitioners 1 to 5 are the only surviving legal heirs of the deceased and it further substantiates the claims made in the petition, that as the legal heirs of the deceased, the petitioners are entitled to his property. The general paper publication has been effected, which has been marked as Ex.P15 and Ex.P16 and no objections have been received for the same.

4. 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.

5. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners 1 to 5, in respect of the property mentioned in the petition of the Late.Mr.K.V.Nityanadam. The petitioners are directed to execute a security



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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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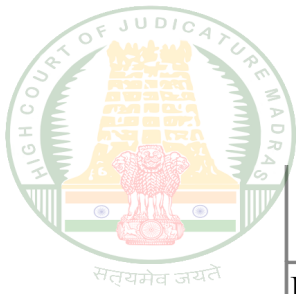
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Index :Yes/No
Speaking: Yes/ No
Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mrs.K.N.Saroja

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	The Original and registered Will dated 22.06.2001 executed by the testator K.V.Nithyanandam vide Document No.129/2001
Ex.P2	The photocopy of the Conveyance Deed dated 26.09.1968 executed and Registered by Perambur Co-operative Building Society Limited in Doc.No.3705/1986860/2004.(Compared with original).
Ex.P3	Photocopy of the Mortgage Deed dated 26.02.1972 by Testator to the President of India, Ministry of Railways pertaining to subject property in document No.753/1972. (Compared with original).
Ex.P4	Photocopy of the Supplementary Mortgage Deed dated 27.01.1973 by Testator to the President of India, Ministry of



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	Railways pertaining to subject property in Document No.300/1973. (Compared with Original).
Ex.P5	The photocopy of the First Page of Bank pass Book of Testator and his wife N.Vasantha issued by IOB. (Compared with original)
Ex.P6	The printout of the Death Certificate of Testator K.V.Nityanandam dated 17.12.2019. (Certificate u/s 63 (4) (c) of BSA, 2023 filed)
Ex.P7	Printout of the Legal Heir Certificate of Testator K.V.Nithyanandam dated 13.02.2020. (Certificate u/s 63 (4) (c) of BSA, 2023 filed)
Ex.P8	The printout of the Death Certificate of N.Vasantha dated 04.06.2021. (Certificate u/s 63 (4) (c) of BSA, 2023 filed)
Ex.P9	Printout of the Property Tax Receipt dated 20.06.2024 (Certificate u/s 63 (4) (c) of BSA, 2023 filed)
Ex.P10	Printout of the Death Certificate of A.M.Kannan one of Attesting Witness dated 26.06.2024. (Certificate u/s 63 (4) (c) of BSA, 2023 filed).
Ex.P11	Printout of the Electricity Bill Receipt dated 04.09.2024. (Certificate u/s 63 (4) (c) of BSA, 2023 filed).
Ex.P12	The Aadhaar Card of the Testator K.V.Nityanandam. (Certificate u/s 63 (4) (c) of BSA, 2023 filed).
Ex.P13	The Aadhaar Card of the Petitioners' mother N.Vasantha. (Certificate u/s 63 (4) (c) of BSA, 2023 filed).
Ex.P14	Series are the Petitioners' Aadhaar Card (Nos. 5).
Ex.P15	The Copy of the Paper Publication in Tamil Daily Makkal Kural dated 13.03.2025.
Ex.P16	The Copy of the Paper Publication in English Daily Trinity Mirror dated 20.03.2025.
Ex.P17	The Affidavit of Attesting Witness N.Subramani.

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