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O.P.No.37 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.04.2025**

CORAM

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

O.P.No.37 of 2024

1.Ms.Swarna Deepika
2.Mr.S.Sabrish Narain

...Petitioners

VS.

1.Mr.N.Subramanian
2.Mrs.Shanthi Ramalingam
3.Mrs.Chitra Srinivasan
4.Mrs.Dharmasamvardhini

...Respondents

PRAYER: Original Petition filed under Clause – 34 of the Letters Patent & Sections 232, 276 of the Indian Succession Act, 1925 and under Order XXV Rule – 5 of O.S. Rules, 1956, prays that Letters of Administration with the Will of the deceased annexed, may be granted to them as they are grandchildren as well as legatees under the Will of the deceased having effect within the State of Tamil Nadu limited to the properties mentioned in the affidavit of assets.

For Petitioners : Mr.M.Sriram

For Respondents : Mr.K.Chakarapani (For R1)

Mr.P.Mathivanan (For R4)

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 05.07.2002 executed by Late.Mr.C.N.Neelakantan, who died on 28.09.2007. The petitioners 1 and 2 submit that they are the grandchildren of the testator through the first respondent. The respondents 1 to 3 are the children of the testator and the fourth respondent is the daughter-in-law of the testator. The property mentioned in the schedule has been purchased by the testator vide the Sale deed dated 04.07.2000 registered as the Document No: 2784/2000. The petitioners are the absolute beneficiaries named under the said will. The testator has appointed one Late.MR.M.Venkatachalapathy as the executor of the Will, who died without probating the Will. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The first petitioner has examined herself as PW1. She has produced the certified copy of the registered will and testament dated 18.11.2005 as Ex.P2. The computer generated death certificates of the testator and Late.Mr.M.Venkatachalapathy has been marked as Ex.P3 and Ex.P4. From



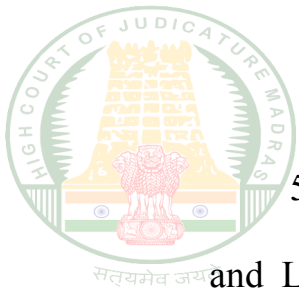
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Ex.P2 it can be deduced that the petitioners are the absolute beneficiaries of the property said under the Will. The general Paper Publications have been made which are marked as Ex.P8 and Ex.P9, no objections have been received for the same.

3. The respondents 1 to 4 have been examined as RW1 to RW4 respectively. The respondents have expressed their no objection for the grant of the Letters of Administration in favour of the petitioners. The respondents 1, 2, 3 and 4 have submitted their consent affidavits as Ex.R1, Ex.R4, Ex.R6 and Ex.R8 respectively.

4. The petitioner has examined Mr.S.Durairaj, 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 attesting witness and has marked his affidavit as Ex.P11.

5. 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.



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5. 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 02.03.2005 of the testator late.S.Ramakrishnan. 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

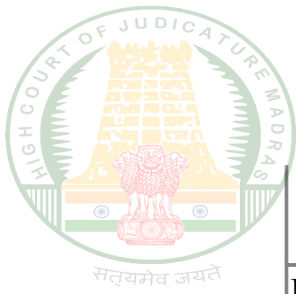
Petitioner's witness:

P.W.1 – Mrs.Swarna Deepika

P.W.2 – Mr.S.Durairaj

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Certified copy of the sale deed dated 04.08.2000 executed in favour of Mr.C.N.Neelakandan (Compared with the original)
Ex.P2	Certified copy of the Will and Testament dated 18.11.2005 executed by Mr.C.N.Neelakandan (Witness states that the



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	original is unable to trace. This document is marked subject to admissibility, proof and relevancy)
Ex.P3	Computer generated death certificate of Mr.C.N.Neelakandan.
Ex.P4	Computer generated death certificate of Mr.M.Venkatachalapathy.
Ex.P5	Computer generated death certificate of Mrs.N.Sundari.
Ex.P6	Downloaded copy of the property tax receipt dated 21.07.2023 standing in the name of Mr.C.N.Neelakandan.
Ex.P7	Affidavit of assets showing the net value of the estate as Rs.5,00,00,000/-
Ex.P8	Copy of the paper publication effected in one issue of Tamil Daily “Malai Murasu” dated 20.08.2024.
Ex.P9	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 04.09.2024.
Ex.P10	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Affidavit as attesting witness.
Ex.P12	Photocopy of Aadhaar Card (Original not produced. This document is marked subject to its admissibility, proof and relevancy)

Respondent's witness:

R.W.1 – Mr.N.Subramanian

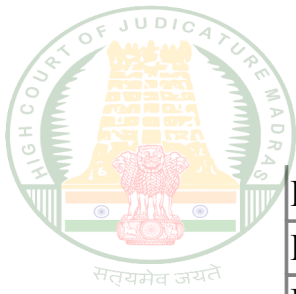
R.W.2 – Mrs.Shanthi Ramalingam

R.W.3 – Mrs.Chitra Srinivasan

R.W.4 – Mrs.Dharmasamvardhani

Documents exhibited by the Respondents:

Exhibits	Documents
Ex.R1	Photocopy of Aadhar Card (Compared with the original)
Ex.R2	Consent affidavit.



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Ex.R3	Photocopy of Aadhar Card (Compared with the original)
Ex.R4	Consent affidavit.
Ex.R5	Photocopy of Aadhar Card (Compared with the original)
Ex.R6	Consent affidavit.
Ex.R7	Photocopy of Aadhar Card (Compared with the original)
Ex.R8	Consent affidavit.

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