



WEB COPY



O.P. No.234 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.234 of 2025

A.Kannabiran S/o. Andimuthu

... Petitioner

PRAYER: Original Petition is filed under Section 232 and 276 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration with the Will annexed to the petition, as husband / beneficiary under the Will of the deceased having effect throughout the State of Tamil Nadu.

For Petitioner : Mr. V. Subramani

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration with the Will, annexed to the petition, as the husband / beneficiary under the Will of the said deceased



O.P. No.234 of 2025

having effect limited to the State of Tamil Nadu.

WEB COPY

2. After filing of this petition, this Court directed the petitioner to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected and thereafter no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P10 and Ex.C1 were marked.

3. According to the petitioner, one Smt. K. Pushpalatha died on 05.10.2019 leaving behind her husband, the petitioner herein, as her sole legal heir and they had no issues. The said deceased K. Pushpalatha, at the time of her death left movable properties in Indian Overseas Bank, Perambur Branch, Chennai in Savings Bank Account No.016701000061815, Current Account No.016702000000069 and had a Locker facility in Locker No.10032 within the jurisdiction of this Court. The annexed Will is the Last Will of the

Page No.2 of 9



O.P. No.234 of 2025

deceased and testament with regard to the liquid assets. The said Will was

duly executed on 01.07.2018, but the same is an unregistered Will. The said

unregistered Will was handed over by the deceased to one of her family

friends namely P. Subramani and the same was revealed to the petitioner by

the said P. Subramani, only in the month of September, 2024. The deceased

K. Pushpalatha, had not appointed any executor.

3.1. It is further contended by the petitioner that the testatrix wife died on 05.10.2019 and he has filed this petition on 05.12.2024, as he was given custody of the said unregistered Will, by one of his family friends namely P. Subramani, only in the month of September 2024. In fact, after the death of his wife, when the petitioner approached the Branch Manager, Indian Overseas Bank, Perambur claiming the amount lying in the Savings and current accounts and in the locker of the deceased, he was informed by the Branch Manager that there was another claim from the mother of the deceased. The said mother of the deceased K. Sulochana was also granted

Page No.3 of 9



O.P. No.234 of 2025

with Succession Certificate vide order of this Court in O.P. No.518 of 2020, in

which proceedings, the petitioner was arrayed as a respondent. But the mother of the deceased did not withdraw any amount based on the said Succession Certificate and she died on 17.10.2024. In the month of September 2024, the petitioner was handed over with the Will dated 01.07.2018 executed by the deceased. Thereafter, the petitioner filed an application in A. No.5803 of 2024 in O.P. No.518 of 2020 seeking to revoke the issuance of Succession Certificate in favour of the mother of the deceased and this Court also ordered that after the death of K. Sulochana, the cause of action does not survive, hence the application is dismissed. Therefore, the petitioner is the only surviving legal heir of the deceased K. Pushpalatha and there is no other surviving legal heir of the deceased. The value of assets does not exceed aggregating a sum of Rs.45,95,851.90. Therefore the petitioner has filed this petition.

4. PW1 is the petitioner herein. PW2 Mr. P. Subramani is the one of

Page No.4 of 9



O.P. No.234 of 2025

the attesting witnesses of the Will and PW2 has categorically deposed about

the execution of the Will and attestation. He has also filed an affidavit in this

regard. Therefore, the execution of the Will and attestation are duly proved in

accordance with law. There is no any rival claim against the Will. The

available evidences amply proved the execution and attestation of the Will.

Therefore, the petitioner has proved the Will in the manner known to law and

he is entitled to the relief as prayed for in the petition.

5. Therefore, this Original Petition is *allowed* and Letter of Administration, in respect of the Will and Testament dated 01.07.2018 executed by K. Pushpalatha (deceased) in favour of the petitioner, is granted.

6. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a **security bond** for a sum of **Rs.25,000/- (Rupees Twenty Five**
Page No.5 of 9



O.P. No.234 of 2025

Thousand only) in favour of the **Assistant Registrar (O.S.II), High Court,**

Madras. The petitioner is further directed to render true and correct accounts

once in a year.

12.09.2025

Index : Yes/No

Speaking Order : Yes/No

mjs

List of Petitioner side Witnesses:

PW1 : Mr. A. Kannabiran

PW2 : Mr. P. Subramani

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	05.10.2019	Computerized copy of Death Certificate of K. Pushpalatha.
Ex.P.2	15.09.2022	Computerized copy of Legal Heir Certificate of K. Pushpalatha.
Ex.P.3	-	Xerox copy of Aadhar Card of deceased K. Pushpalatha.



O.P. No.234 of 2025

Ex.P.4.	01.07.2018	Original Will along with English translated copy.
Ex.P.5.	23.02.2024	Online copy of order in O.P.No.518 of 2020.
Ex.P.6	01.10.2024	Office copy of Revocation Affidavit and petition filed by the petitioner in A. No.5803 of 2024.
Ex.P.7	17.10.2024	Computerized copy of Death Certificate of the mother of the deceased K. Sulochana.
Ex.P.8	21.11.2024	Online of Order in A. No.5803 of 2024 in O.P.No.518 of 2020 (Revocation petition).
Ex.P.9	25.06.2024	Computerized copy of Bank Letter.
Ex.P.10	05.12.2024	Online copy of Bank Balance of Indian Overseas Bank Savings Account.

List of Court Documents:

Exhibit No.	Date	Description of Documents.
Ex.C.1.	-	Affidavit of attesting Witness P. Subramani in Ex.P.4 Will.



WEB COPY



O.P. No.234 of 2025

P.DHANABAL.,J

mjs



WEB COPY



O.P. No.234 of 2025

O.P. No.234 of 2025

12.09.2025

Page No.9 of 9