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O.P.No.605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.08.2025**

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

O.P.No.605 of 2024

1.M.Prabhakaran

2.M.Vijayakumar

... Petitioners

Vs.

1.S.Pattabiraman

2.S.Saradha

3.Saraswathi

4.Pushpa

5.Prema

... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, 1925 r/w. Order XXV Rule 5 of the Original Side Rules praying for Letters of Administration with the Will dated 24.10.1991 registered as Doc.No.84/Bk-3/1991 in the office of SRO, Royapuram annexed may be granted to them as the grandsons who are the beneficiaries under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioners : Mr.H.Surendar

For Respondents : No appearance

ORDER



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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 24.10.1991, registered as Doc.No.84/Bk-3/1991, executed by Mr.Vellai Maistry, who died on 18.01.2021. The petitioners are the grandsons of the testator through his deceased daughter Late.Mrs.M.Nalini and the respondents are the legal heirs of Late.Mr.Srinivasan, the deceased son of the testator.

2. The petitioners submit the testator was blessed with 2 children, namely Mrs.M.Nalini and Mr.Srinivas. The said Mrs.M.Nalini was married to one named Mr.Munusamy and had begotten the petitioners 1 and 2 as her sons and similarly the above said Mr.Srinivas was married to the 2nd respondent and had begotten 1st respondent along with the respondents 3 to 5 has his kids. The petitioners further submit that their father Mr.Munusamy had predeceased and their mother, the daughter of the deceased herein, also died on 30.04.2021 leaving behind the petitioners 1 and 2 as her sole legal heirs.

3. The petitioners asserts that the testator has been the absolute owner of the immovable property mentioned under the Schedule 'A' of the petition by the virtue of the Sale Deed registered as Document No.2911 of 1959 dated 24.07.1959. The petitioner further submits that the testator prior to his death had executed a Will, through which he had bequeathed a portion of the Schedule 'A'

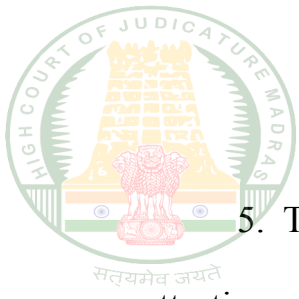


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property which is morefully described in the Schedule 'B' of the petition, in favour of his daughter Late.Mrs.M.Nalini and his grandsons, the petitioner herein.

The petitioner avers that the testator had executed another will in favour of his other grandson, the 1st respondent herein which is dealt in the Original Petition No.606 of 2024. The petitioners are the only beneficiaries under the said will. Therefore the petitioners as the beneficiaries of the Will seek issuance of Letters of Administration in respect of the property mentioned in the Schedule 'B' of the petition, situated within the jurisdiction of this court.

4. The first petitioner has examined herself as PW1, he has submitted 10 documents which are listed as Ex.P1 to Ex.P10 at the foot of the order. The original Will executed by the testator has been marked as Ex.P1. The printout of the death certificate of the testator has been marked as Ex.P2. The photocopy of the death certificate of Late.Mrs.M.Nalini, the deceased daughter if the testator has been marked as Ex.P6 and the printout of her legal heriship certificate has been marked as Ex.P7. Upon the detailed examination of the Ex.P1 it can be substantiated that the petitioners 1 and 2 are the beneficiaries named under the Will. The perusal of the Ex.P7 proves that the petitioners are the sole legal heirs of Late.Mrs.M.Nalini. The general paper publications have been effected which are marked as Exp9 and Ex.P10 and no objections have been received for the same.



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5. The petitioner has examined Mr.G.Durai, who is the son of the first attesting witness, Late.Mr.K.R.Govindaswamy. He has deposed that his father had died in the year of 2009 and he was present along with his father during the execution of the will. He has spoke about the attestation of Will by his father and the other attesting witness Mr.Kesavan and has identified the signatures of the testator in the Will which is marked as Ex.P1.

6. The service of notices upon the respondent 1, 2 and 5 had been completed. Subsequently the service of notices upon the respondents 3 and 4 had been completed through the substituted mode of paper publication allowed in the Application No. 1026 of 2025 vide order dated 11.03.2025. Inspite of the service being completed upon the respondents 1 to 5, they chose to keep themselves away from the proceedings.

7. 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

8. 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 24.10.1991 of the testator Late.Mr.Vellai Maistry. The petitioners are



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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

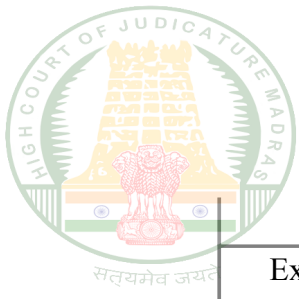
Petitioners' witness:

Mr.M.Prabhakaran (PW1)

Mr.G.Durai (PW2)

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will executed by Vellai Maistry in favour of petitioners dated 24.10.1991.
Ex.P2	Printout of the Death Certificate of Vellai Maistry dated 22.06.2022. (Certificate under Section 65B of I.E.Act produced).
Ex.P3	Photocopy of the Aadhar Card of the 1 st petitioner. (Compared with original).
Ex.P4	Photocopy of the Aadhar Card of the 2 nd petitioner. (Compared with original).
Ex.P5	Printout of the Guideline value of the schedule property. (Certificate under Section 65B of I.E.Act produced).
Ex.P6	Printout of the Death Certificate of th petitioners' mother M.Nalini dated 11.06.2021. (Certificate under Section 65B of I.E.Act produced).
Ex.P7	Printout of the Legalheir Certificate of the petitioners' mother M.Nalini dated 15.04.2023. (Certificate under Section 65B of I.E.Act produced).
Ex.P8	Photocopy of the Sale Deed in Doc No.2911 of 1959 in the name of Vellai



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	Maistry dated 24.07.1959.
Ex.P9	Copy of the Paper Publication in Tamil Daily Makkal Kural dated 10.06.2025.
Ex.P10	Copy of the Paper Publication in English Daily Trinity Mirror dated 17.06.2025.

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