



O.P. No.229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.229 of 2025

1. Chellammal W/o. Late T.J. Ramamoorthy
2. S.Manikandan S/o.. Late R. Sankaran

... Petitioners

vs

1. R. Kannan S/o. Late T.J. Ramamoorthy
2. R. Sakkubai D/o. Late T.J. Ramamoorthy
W/o. Late Venkataraman
3. R. Malini D/o. Late T.J. Ramamoorthy
W/o. Late V.T. Ganesan
4. T.K. Natarajan H/o. Late T.J.R. Janaki
5. N. Ganesh S/o. Late T.J.R. Janaki
6. N. Suresh S/o.Late T.J.R. Janaki
7. Chandrakala D/o.Late T.J.R. Janaki
8. Aparna Basker D/o. Late R. Sankaran
9. S. Seetharaman S/o. Late R. Sankaran

.... Respondents

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 to the Will annexed with the petition, to the petitioners as wife and grandson / beneficiaries of the deceased



O.P. No.229 of 2025

having effect limited to the State of Tamil Nadu.

For Petitioners : M/s. S. Prem Auxikion Raj
For Respondents : R1 – Notice served – No appearance.
Mr. R. Dileepan [for R2, R3, R8 and R9]
Mr. R. Ravichandran [R4 to R7]

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration to the petitioners to the estates and credits of the deceased having effect limited to the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioners 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 there is no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence was also recorded. On the side of the petitioners, PW1 and PW2 were examined and Ex.P.1 to Ex.P24 were marked.



O.P. No.229 of 2025

3. According to the petitioners, one Mr. T.J. Ramamoorthy is the husband of the 1st petitioner and the grandfather of the 2nd petitioner. The said Mr. T.J. Ramamoorthy died leaving behind his wife and children as legal heirs. The mother of the said Mr. T.J. Ramamoorthy predeceased him. One of the daughters of the deceased namely Mrs. T.J.R. Janaki died on 10.01.2010 leaving behind her husband T.K. Natarajan, sons N. Ganesh and N. Suresh and a daughter Chandrakala, who are the 4th to 7th respondents. The deceased Mr. T.J. Ramamoorthy had executed his Last Will and Testament dated 27.02.1991. As per the Will, the deceased Mr. T.J. Ramamoorthy has reserved life interest in the property for his wife Chellammal, the 1st petitioner herein, without any power of alienation and after her life time, the property has been equally bequeathed to his son R. Sankaran and grandson S. Manikandan, the 2nd petitioner herein. The said R. Sankaran died on 23.08.2024 leaving behind his mother Chellammal/ 1st petitioner herein, sons S. Manikandan and S. Seetharaman / 2nd petitioner and 9th respondent respectively, and a daughter Aparna Basker / 8th respondent herein. The said

Page No.3 of 11



O.P. No.229 of 2025

S. Manikandan and Aparna Basker had borne through the 1st wife of R.

Sankaran, namely S. Bhavani. The said S. Bhavani died on 16.01.1980.

Thereafter, Mr. R. Sankaran, married one Bhanumathy and through her, the 9th respondent herein namely S. Seetharaman had borne. The said Mrs. S. Bhanumathy also died on 17.09.2021.

3.1. The deceased T.J. Ramamoorthy died on 17.01.1992 and he executed his Last Will on 27.02.1991 in the presence of two witnesses namely D. Nagappan and K. Ramanathan. In spite of the best efforts, the whereabouts of the said attesting witnesses are not known. The amount of assets which are likely to come into the hands of the petitioners is approximately Rs.20,00,000/-. As per the Will, there is no executor. The petitioners and the respondents are the only surviving legal heirs and there is no other next of kin to the deceased.

4. The 2nd petitioner herein, was examined as PW1 and through him,

Page No.4 of 11



O.P. No.229 of 2025

Ex.P.1 to Ex.P.24 were marked. He has deposed that he is the grand son of the deceased and he reiterated the petition averments and further stated that the deceased executed a Will dated 27.02.1991 in the presence of the attesting witnesses.

5. The Will dated 27.02.1991 is a 34 years old Will, which was executed by the deceased T.J. Ramamoorthy in the presence of two attesting witnesses. The original Will has been marked as Ex.P.1 by PW1. Since the Will is a 34 years old document and it has been produced from proper custody, a presumption under Section 90 of Indian Evidence Act is available. At this juncture, it is relevant to rely upon a judgment of Hon'ble Supreme Court in *Marathal (died) and another vs. Kanniammal (died) and others reported in 2024 SCC Online Mad 5153* where it has been held that "*....insofar as the "Will" is concerned, if attesting witnesses are available, then they should be examined in terms of Section 68 of Evidence Act, if the witness is not available, then route under Sections 69 to 71 is available to the*

Page No.5 of 11



O.P. No.229 of 2025

profounder, if the 'Will' is more than 30 years old and produced from proper custody, Section 90 is available to the Court to draw a presumption regarding its "due execution" and "attestation" and if the 'Will' is more than 30 years old and produced from proper custody, it is shown that the attesting witnesses are alive and not produced before the Court, it may resort to presumption under Section 114 illustration (g) instead of one under Section 90 of Evidence Act".

6. In this case, the whereabouts of the said attesting witnesses are not known. Therefore, one Dr. K. Chockalingam, who is acquainted with the signature of one of the attestors and the Testator, has been examined as PW2. He has deposed that the testator had executed a Will dated 27.02.1991. He has also identified the signatures of one of the attestors namely Mr. K. Ramanathan and the testator in the Will. Both the signatures of the said Mr. K. Ramanathan and the testator Mr. T.J. Ramamoorthy have been marked as Ex.P.23 and Ex.P.24. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.24 revealed that the petitioners and the respondents are the legal heirs of

Page No.6 of 11



O.P. No.229 of 2025

the deceased and no any objection has been raised by any other party to grant

letter of administration to the petitioners. Therefore, the petitioners, through the evidences and documents, have amply proved the execution of Will. The respondents have also given their consent to allow this petition in favour of the petitioners. Therefore, the petitioners are entitled to the relief as prayed for in the petition.

7. Therefore, this Original Petition is *allowed* and Letter of Administration, to the estates and credits of the deceased Mr. T.J. Ramamoorthy in favour of the petitioners, is granted.

8. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. Each petitioner is also directed to execute a **security bond** for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each in favour of the **Assistant Registrar (O.S.II), High**
Page No.7 of 11



O.P. No.229 of 2025

Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

25.11.2025

Index : Yes/No
Speaking Order : Yes/No
mjs

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. S. Manikandan
PW2 : Dr. K. Chockalingam

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	27.02.1991	Original Will executed by Mr. T.J. Ramamoorthy.
Ex.P.2	05.02.1992	Death Certificate of Mr. T.J. Ramamoorthy
Ex.P.3	19.02.2001	Legal Heir Certificate of Mr. T.J. Ramamoorthy.



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O.P. No.229 of 2025

Ex.P.4.	06.09.2025	Death Certificate of Mrs. T.N. Janaki.
Ex.P.5	08.11.2010	Photocopy of the Legal Heir Certificate of Mrs. T.N. Janaki.
Ex.P.6	09.10.2021	Death Certificate of Mrs. Bhanumathy.
Ex.P.7	23.10.2021	Legal Heir Certificate of Mrs. Bhanumathy.
Ex.P.8	12.09.2024	Death Certificate of Mr. R. Sankaran
Ex.P.9	04.10.2024	Legal Heir Certificate of Mr. R. Sankaran.
Ex.P.10	-	Photocopy of the Property Tax receipts.
Ex.P.11	-	CMWSSB Card and receipts
Ex.P.12	-	EB card
Ex.P.13	25.07.2025	Copy of the paper publication issued in one Tamil Daily 'Makkal Kural'.
Ex.P.14	02.08.2025	Copy of the paper publication issued in one English Daily 'Trinity Mirror'.
Ex.P.15	-	Consent affidavit of 2 nd respondent Mrs. R. Sakkubai.
Ex.P.16	-	Consent affidavit of 3 rd respondent Mrs. R. Malini.
Ex.P.17	-	Consent affidavit of 8 th respondent Mrs. Aparna Basker.
Ex.P.18	-	Consent affidavit of 9 th respondent Mr. S. Seetharaman.
Ex.P.19	-	Consent affidavit of 6 th respondent Mr. N. Suresh.
Ex.P.20	-	Consent affidavit of 7 th respondent Mr.



WEB COPY



O.P. No.229 of 2025

		Chandrakala.
Ex.P.21	-	Consent Affidavit of 5 th respondent Mr. N. Ganesh.
Ex.P.22	-	Consent affidavit of 4 th respondent Mr. T.K. Natarajan.
Ex.P.23	-	Signature of Mr. K. Ramanathan.
Ex.P.24	-	Signature of the Testator Mr. T.J. Ramamoorthy.

25.11.2025

P.DHANABAL.,J

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O.P. No.229 of 2025

O.P. No.229 of 2025

25.11.2025