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O.P.No.548 of 2023

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 05.11.2025

CORAM

THE HONOURABLE **MR. JUSTICE P.DHANABAL**

O.P.No.548 of 2023

G.Senthil Murugan

...Petitioner

Vs.

1.T.Ramesh Kumar

2.T.Rajesh Ayyappan

3.G.Krishnakumar (died)

4.J.Gnanapoongothai

5.G.Brinda Devi

6.K.Leelavathy

7.K.Subbulakshmi

8.K.Padma Priya

9.C.Rajakuruba Abirami

10.K.Saravana Bhavan

(R6 to R10 have been impleaded as LR's

of the deceased third respondent

vide order dt.24.2.25 in A.Nos.6512 to 6514/24) ... Respondents

Prayer:- Original Petition is filed under Sections 232, 255 and 276 of the Indian Succession Act, 1925, read with Order XXV, Rule 5 of the Madras High Court Original Side Rules, praying to grant Letters of Administration in favour of the petitioner as the beneficiary under Will dated 10.12.1994 executed by G.Padmavathi.

For Petitioner : Mr.T.Sai Krishnan

For R4 to R7& R9 : Mr.N.U.Pressanna

R3 died

R1 & R2 – served – no appearance

ORDER



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The petitioner has filed this petition under Sections 232, 255 and 276 of the Indian Succession Act, 1925, seeking to grant Letters of Administration in respect of the Will dated 10.12.1994 executed by G.Padmavathi, who died on 17.12.1994.

2. It is averred in the petition that the petitioner is one of the sons of Late Mrs.G.Padmavathi, who died on 17.12.1994. The respondents 1 and 2 are the sons of Late Mrs.T.Parameswari, the predeceased daughter of Late G.Padmavathi. The third respondent is the elder son of Late G.Padmavathi. The respondents 4 and 5 are the daughters of Late G.Padmavathi. The respondents 6 to 10 are the legal heirs of the deceased third respondent. The petitioner's father/husband of Late G.Padmavathi died on 16.03.1977. It is further averred in the petition that while the deceased G.Padmavathi was in a sound state of mind, she had executed a Will dated 10.12.1994 bequeathing her immovable properties in favour the petitioner and the third respondent. She had also appointed one Mr.A.K.Mylsamy, Advocate, who had drafted the Will, as Executor.

3. It is further averred in the petition that in respect of the



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properties in question, the respondents 1 and 2 had filed a suit in O.S.No.385 of 2006 on the file of the Additional District Court, Tirupur, seeking partition of the properties left by the deceased G.Padmavathi. Since the said case is pending, the Executor had declined to apply for probate of the Will. Therefore, the petitioner has filed this petition seeking to grant Letters of Administration in his favour in respect of the Will dated 10.12.1994 executed by the deceased G.Padmavathi.

4. The petitioner himself was examined as P.W.1 and marked Exs.P1 to P9. One of the attesting witnesses by name V.S.Gunaseelan was examined as PW2. The respondents 3 to 5 have filed a consent affidavit stating that they do not have any objection for grant of Letters of Administration in respect of the said Will dated 10.12.1994 in favour of the petitioner. Although the respondents 1 and 2 have been served, no one has entered appearance on behalf of them. After filing this petition, paper publication has been effected. There is no objector objecting to grant Letters of Administration in respect of the said Will dated 17.12.1994 in favour of the petitioner.

5. Ex.P1 is the certified copy of the medical reports of Late



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Padmavathi, dated 09.12.1994; Ex.P2 is the certified copy of the discharge summary of Late Padmavathi, dated 17.10.1994; Ex.P3 is the certified copy of the discharge summary of Late Padmavathi, dated 24.10.1994; Ex.P4 is the certified copy of the death certificate of Padmavathi issued by the Apollo Cancer Hospital along with Anaesthesiology report dated 17.12.1994; Ex.P5 is the certified copy of the death certificate of Padmavathi issued by the Corporation of Madras dated 30.12.1994; Ex.P6 is the photocopy of the legal heir certificate of deceased Padmavathi dated 21.03.1997; Ex.P7 is the original Will executed by Padmavathi dated 10.12.1994; Ex.P8 is the photocopy of the amended plaint in OS.No.385/2006, dated 20.04.1999; and Ex.P9 is the affidavit of assets showing the net value of Rs.20,00,000/-.

6. P.W.2 – V.S.Gunaseelan, one of the attesting witnesses of the Will dated 10.12.1994 executed by the deceased Padmavathi, deposed that the testator was in a sound state of mind while executing the said Will dated 10.12.1994 and he has seen the testator and other witness by name V.N.Janagaraju appending their signatures in the said Will.

7. In view of the aforesaid facts and circumstances of the case, this



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Court is of the view that the petitioner has proved the execution and attestation of the Will dated 10.12.1994. Accordingly, this petition is allowed in the following manner:-

(a) Issue Letters of Administration in favour of the petitioner in accordance with the Rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu.

(b) The petitioner is directed to execute a security bond for a sum of Rs.25,000/- in the name of the Assistant Registrar (Original Side) of this Court.

(c) The petitioner is further directed to render true and correct accounts once in a year.

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Index:yes/no
Neutral Citation: yes/no

Petitioner's witness:

P.W.1 – Mr.G.Senthil Murugan

P.W.2 – Mr.V.S.Gunaseelan

Documents marked:



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the medical reports of Late Padmavathi, dated 09.12.1994.
Ex.P2	Certified copy of the discharge summary of Late Padmavathi, dated 17.10.1994.
Ex.P3	Certified copy of the discharge summary of Late Padmavathi, dated 24.10.1994.
Ex.P4	Certified copy of the death certificate of Padmavathi issued by the Apollo Cancer Hospital along with Anaesthesiology report dated 17.12.1994.
Ex.P5	Certified copy of the death certificate of Padmavathi issued by the Corporation of Madras dated 30.12.1994.
Ex.P6	Photocopy of the legal heir certificate of deceased Padmavathi dated 21.03.1997.
Ex.P7	Original Will executed by Padmavathi dated 10.12.1994.
Ex.P8	Photocopy of the amended plaint in OS.No.385/2006, dated 20.04.1999.
Ex.P9	Affidavit of assets showing the net value of Rs.20,00,000/-.

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P.DHANABAL, J.

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