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O.P.No.617 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No.617 of 2023

S.Saravanaraj
S/o.P.Sivanesan

...Petitioner

Vs.

1. P.Sivanesan
2. S.Anandraj
3. Balraj
4. Jayaraj

...Respondents

Prayer : Original Petition has been filed under Sections 232 and 276 of Indian Succession Act 1925, (Act XXXIX of 1925) r/w Order XXV Rule 5 of the Original Side Rules praying to grant Letters of Administration with the Will annexed of the properties and credits of the deceased to the petitioner as nephew of the deceased and the beneficiary under the Will of the deceased having effect throughout the State of Tamil Nadu.

For Petitioner(s) :

Mr.S.B.Viswanathan

For Respondent(s) :

Mr.S.Kasirajan
for R1 to R4



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ORDER

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The original petition has been filed under Sections 232 and 276 of the Indian Succession Act 1925 (Act XXXIX of 1925) r/w Order XXV Rule 5 of the Original Side Rules, praying to grant Letters of Administration with the Will annexed of the properties and credits of the deceased to the petitioner as nephew of the deceased and the beneficiary under the Will of the deceased having effect throughout the State of Tamil Nadu.

2. According to the petitioner, the deceased Mrs.Pachaikili Ammal is the paternal aunt of the petitioner and she bequeathed property through a registered Will dated 04.04.2014. Thereafter, the said Mrs.Pachaikili Ammal died on 30.07.2014. After her demise, the Will came into effect. There are no any other legal heirs to the deceased Mrs.Pachaikili Ammal. The parents and the husband of Mrs.Pachaikili Ammal, predeceased her and she has no children. Therefore, the deceased Mrs.Pachaikili Ammal executed a Will in favour of her brother's son/petitioner. Hence, the petitioner has filed this petition to grant Letters of Administration.



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3. The other side has appeared through counsel and they have no objection and they filed consent affidavits to grant Letters of Administration in favour of the petitioner.

4. After the filing of this petition, this Court directed the petitioner to effect paper publication and the same was also effected and thereafter no objection was raised by any of the parties. Therefore, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioner, P.W.1 and P.W.2 were examined and marked Exs.P1 to P7. The original Will dated 04.04.2014 executed by the deceased Mrs.Pachaikili Ammal has been marked as Ex.P3.

5. P.W.1 is the petitioner and he deposed about the Will. P.W.2, who is the attesting witness of the Will dated 04.04.2014, has categorically stated about the execution and attestation of the Will. Therefore, the execution and attestation of the Will dated 04.04.2014 are duly proved in accordance with law. There is no rival claim against the above-said Will. The evidences adduced by the petitioner's side have amply proved the execution and attestation of the Will dated 04.04.2014. Thus, the petitioner has proved the



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Will in the manner known to law and he is entitled to the relief as prayed for in this petition.

6. Therefore, this Original Petition is ***allowed*** and Letters of Administration in respect of the Will dated 04.04.2014 executed by Mrs.Pachaikili Ammal, W/o. Late Mr.Palani Nadar @ Adhiporul Nadar, in favour of the petitioner, is granted.

7. 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 Thousand only)** in favour of the **Assistant Registrar (O.S.No.II), High Court of Madras**. The petitioner is further directed to render true and correct accounts once a year.

09.09.2025

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Index : Yes/No

Speaking Order : Yes/No



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List of Petitioner side Witnesses:

P.W.1 : Mr.S.Saravanaraj
P.W.2 : Mr.R.Murugesh

List of Petitioner side Documents:

Ex.P1 : Photocopy of Aadhaar Card (P.W.1/Petitioner).

Ex.P2 : Photocopy of the allotment order issued by Tamilnadu Slum Clearance Board on 09.06.1988 in favour of Mrs.Pachaikili Ammal.

Ex.P3 : The Original Will dated 04.04.2014 executed by Mrs.Pachaikili Ammal.

Ex.P4 : The computer generated death certificate of Mrs.Pachaikili Ammal

Ex.P5 : The online printout of guideline value of the property mentioned in the petition.

Ex.P6 : The certificate under Section 65 B of the Indian Evidence Act, 1872.

Ex.P7 : The Affidavit of Assets showing the net value of the estate as Rs.10,00,000/-.



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P. DHANABAL,J.

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