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O.P. No.711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.711 of 2023

R. Dhanasegaran S/o. R. Rathinavelu ... Petitioner

vs

R. Susila D/o. Late Rathinavelu .. Respondent

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 petitioner as son of the deceased / beneficiary under the Will of the deceased having effect through out the State of Tamil Nadu.

For Petitioner : Mr. S.N. Ravikumar

For Respondent : Notice served - no appearance.

ORDER

This petition has been filed under Section 232 and 276 of the Indian



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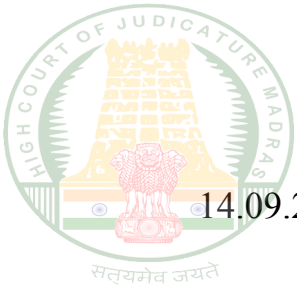
Succession Act to grant Letters of Administration with the Will, annexed to

the petition, as the son of the deceased / beneficiary under the Will of the said deceased having effect through out the State of Tamil Nadu.

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 petitioners, PW1 and PW2 were examined and Ex.P.1 to Ex.P.15 were marked.

3. According to the petitioner, the petitioner and the respondent are the son and daughter of one M. Rathinavelu. The said M. Rathinavelu died on 01.04.2013 leaving behind his wife R. Chandra and children behind him as his legal heirs to succeed his estates. The last Will duly registered on

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14.09.2000 was executed by the testator M. Rathinavelu. As per the said

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Will, the petitioner and his mother are the beneficiaries. There was no executor appointed to execute the Will. The mother of the petitioner and the respondent died on 05.01.2014. The amount of the assets, which are likely to come to the hands of the petitioner does not exceed in the aggregate the sum of Rs.50 lakhs and the net amount of the said assets after deducting all the items, which the petitioner is allowed to deduct is of the value of Rs.50 lakhs. The petitioner and the respondent are the siblings and they are the only legal heirs of the deceased. There are no next of kin or other persons interested to be impleaded as parties in these proceedings. The respondent has filed a consent affidavit expressing her consent to grant letter of administration in favour of the petitioner. Therefore, the petitioner has filed this petition.

4. PW1 is the petitioner herein. PW2 is a third party. Through PW1, Ex.P.1 to Ex.P.13 were marked. Ex.P.14 and Ex.P.15 were marked through PW2. The Original Will and Testamant dated 14.09.2000 executed by Mr.

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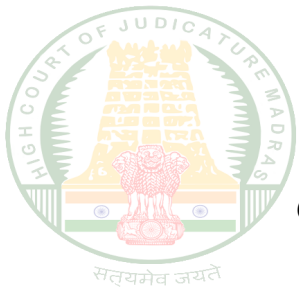
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M> Rathnavelu has been marked as 'Ex.P.1'. Since the attesting witnesses are

not available, the person who acquaintance with the handwritings and signatures of the attestors and the testator was examined as PW2 and he has deposed that the deceased M. Rathinavelu was a friend of his father and they are neighbours. He has categorically deposed about the execution of the Will by the deceased and about the attestation by the attestors. He has also identified the signature of the deceased in the Will dated 14.09.2000 and the signature of the attesting witnesses. 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. In view of the above, this Original Petition is ***allowed*** and Letter of Administration, in respect of the Will and Testament dated 14.09.2000 executed by M. Rathinavelu (deceased) in favour of the petitioner, is granted.

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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 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.

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

List of Petitioner side Witnesses:

PW1 : Mr. R. Dhanasegaran

PW2 : Mr. K. Yadugirinathan

List of Petitioner side Documents:



Exhibit No.	Date	Description of Documents.
Ex.P.1.	14.09.2000	Original Will and Testamant executed by Mr. M. Rathinavelu.
Ex.P.2	-	Photocopy of the Death Certificate of Mrs. R. Chandra.
Ex.P.3	-	Photocopy of property tax demand card in respect of the property standing in the name of Mr. M. Rathinavelu.
Ex.P.4.	-	Photocopy of PW1's Aadhar Card.
Ex.P.5	-	Affidavit of assets showing the net value of the estate as Rs.50,00,000/-
Ex.P.6	09.11.2024	Copy of paper publication effected in one issues of Tamil daily "Malai Malar".
Ex.P.7	18.11.2024	Copy of paper publication effected in one issues of English daily "Trinity Mirror".
Ex.P.8	-	Computer generated Death Certificate of Mr. M. Rathinavelu
Ex.P.9.	-	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P.10	-	Computer generated Legal Heir Certificate of Mr. M. Rathinavelu.
Ex.P.11	-	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P.12	12.09.2018	Online printout of Property Tax Receipt in respect of the property standing in the name of Mr. M. Rathinavelu



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Ex.P.13	-	Certificate under Section 65B of the Indian Evidence Act.
Ex.P.14	-	Computer generated Death Certificate of Mr. A.M. Kannan along with the Certificate under Section 63(a) of B.S.A.
Ex.P.15	-	Photocopy of PW2's Aadhar Card.

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