



O.P.No.222 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.04.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.222 of 2019

Srinivas R.Prabhu

... Petitioner

Vs

1.Usha R.Prabhu

2.Sandhya R.Prabhu

... Respondents

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 to grant Letters of Administration with Will annexed of the properties and credits of deceased may be granted to the petitioner Srinivas R.Prabhu, as the son and beneficiary under the Will of the said deceased D.Raghunatha Prabhu (D.R.Prabhu) having limitied to the State of Tamil Nadu and pass such further or other orders.

For Petitioner :Mr.S.Ambalavanan

For

Respondents :Mr.Mangaimannan for R1



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Mr.Arun Anbumani for R2

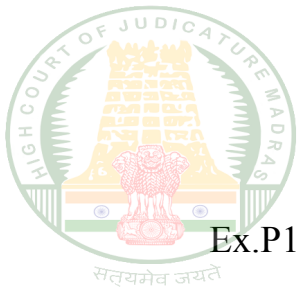
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ORDER

The instant Original Petition had been filed seeking for issuance of Letters of Administration with a Will annexed in respect of the properties in credit of the deceased D.Ragunathan Prabhu alias D.R.Prabhu.

2. The petitioner had claimed that the testator had executed a registered Will on 17.04.2006 which was registered as document No.135 of 2006 at Kochi in Kerala. Since, there were certain disputes between the parties, the matter was referred to Mediation and a Report had been received from the Mediation Center enclosing a Memorandum of Compromise dated 24.01.2020. As per the terms of the agreement, the second respondent was entitled for certificate of gold jewels which was pledged in the name of the second respondent's husband and since, certain of the properties were also outside the State of Tamil Nadu, the letters of administration was sought to be extended throughout the Union of India.

3. Pursuant, to the said Memorandum of Compromise, the petitioner had examined himself as PW1 and had marked various documents under



Ex.P1 to P13. He was also cross examined by the learned counsel for the second respondent where he had admitted to the various suggestions put to him by the learned counsel for the second respondent, he had also specifically admitted to the Joint Memorandum of Compromise that had been entered between the parties. A further compromise signed by the respective parties had been placed on record with regard to their agreement reached between the parties in respect of various immoveable properties, also the parties were present before this Court and have also acknowledged the Memorandum of Compromise entered between them.

4. The first attesting witness was examined before this Court as PW2. He had categorically deposed about the execution of the Will by the testator and its attestation by himself as first attesting witness and the second attesting witness.

5. From the assertions made by the petitioner and also the Joint Memorandum of Compromise that had been entered between the parties dated 24.01.2020 and 29.04.2025, the Will under Ex.P11 stands proved. The petitioner and the respondents are the beneficiaries of the properties under Ex.P11.



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WEB COPY In fine, the O.P. Stands allowed and the Letters of Administration in respect of the Will mentioned properties are granted to the petitioner. The petitioner is 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 petitioner is 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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Gba
Index :Yes/No
Speaking: Yes/ No
Neutral Citation: Yes/No



Petitioner's witnesses:

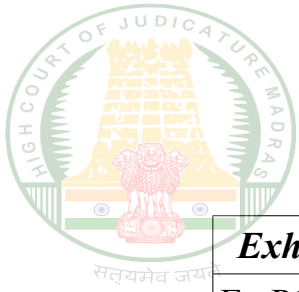
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P.W.1 – Srinivas R.Prabhu

P.W.2 – Hemant.M.Parekh

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of D.Ragunatha Prabhu who died on 19.09.2013.
Ex.P2	The photocopy of the Legal heirship certificate of D.R.Prabhu dated 10.04.2015.
Ex.P3	The computer generated death certificate of mother of the petitioner H.Mohini Bai who died on 27.08.2008.
Ex.P4	The photocopy of the legal heirship certificate of Mohini Bai dated 21.11.2008
Ex.P5	The photocopy of the Disability Certificate issued by the concerned Authority in the name of the petitioner dated 28.08.2017
Ex.P6	The photocopy of the Disability Certificate issued by the concerned Authority in the name of the 1 st respondent dated 21.09.2015.
Ex.P7	Photocopy of the Aadhaar card of the petitioner.
Ex.P8	The photocopy of the Sale Deed dated 25.11.1988 in favour of D.R.Prabhu.
Ex.P9	The photocopy of the Builders Agreement dated 10.12.1987.
Ex.P10	The photocopy of the property tax card dated 07.07.2018.
Ex.P11	The original Will dated 17.04.2006 executed by D.Ragunatha Prabhu (D.R.Prabhu) registered as document No.135 of 2006 at SRO, Kochi.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P12	The original paper publication effected in Tamil Daily “Malai Sudar” dated 13.09.2019.
Ex.P13	The original paper publication effected in English daily “New Today” dated 21.09.2019.
Ex.P14	The Memorandum of Compromise dated 24.01.2020 along with the mediation report dated 24.01.2020 and letter dated from 29.01.2020 from Assistant Registrar
E.P15	The affidavit of PW2.
Ex.P16	The photocopy of the Aadhar Card of the PW2 (Compared with the original).

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