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O.P.No.788 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 788 of 2024

N.Bharath Kumar
S/o. Late R.Narayanan,
57/23, Brindavan Street Extension,
West Mambalam,
Chennai 600 033.

..Petitioner(s)

Vs

No Respondent
Nil

..Respondent(s)

that letters of Administration with the Will annexed may be granted to him as the adopted Son/Universal Legatee, Under the Will of the Said deceased testatrix N.Jayalakshmi, having effect throughout the State of Tamil Nadu. Gross Amount of Rs.1,95,56,640/- and Net Amount of Rs.1,95,56,640/- Suc.duty of Rs.25,000/- paid on 03.02.2025 by e-C/F D.No.4151/2025.

For Petitioner(s): Mr.N.Suryanarayanan for Mr.Rahul Balaji
Madhan Babu
Vishnu Mohan
Rangasaran Mohan

For Respondent(s): Nil



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ORDER

This Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925, seeking grant of Letters of Administration with the Will annexed in respect of the Will dated 02.02.1998 said to have been executed by the deceased, N. Jayalakshmi. The petitioner claims as the adopted son and sole beneficiary under the said Will.

2. The materials placed before this Court show that the petitioner has marked the original Will as Ex.P1; the death certificate of the testatrix as Ex.P2; the legal heirship certificate of the testatrix as Ex.P4; the legal heirship certificate of R. Narayanan as Ex.P5; the adoption deed dated 10.05.1976 as Ex.P6; the sale deed standing in the name of R. Narayanan as Ex.P7; the revenue record as Ex.P8; and the valuation report as Ex.P9. The estate has been valued at Rs.1,95,56,640/-.

3. In the petition, it is specifically stated that R. Narayanan, husband of the testatrix, died intestate on 13.04.1973 leaving the testatrix as his sole legal heir; that the petitioner was thereafter adopted by the testatrix under a registered Adoption Deed dated 10.05.1976; that the Will dated 02.02.1998 is a registered Will; that the testatrix died on 12.06.2021; that no executor has been named under



the Will; and that the petitioner is the sole son of the testatrix by adoption and the universal legatee under the Will.

4. The evidence of P.W.1 also confirms the marking of the legal heirship certificate of the deceased and the deed of adoption. The evidence of P.W.2, one of the attesting witnesses, establishes due execution and attestation of the Will and states that the testatrix executed the Will in a sound and disposing state of mind.

5. The legal heir certificate produced in relation to the deceased also indicates the petitioner as the adopted son. Thus, the plea of adoption is not resting merely on an assertion in the petition, but is supported by the registered deed of adoption and by public documents recognising the petitioner in that status.

6. In the light of the above materials, this Court is satisfied, at least for the limited purpose of the present testamentary proceeding, that the petitioner has made out a prima facie and acceptable case of valid adoption and that he has been consistently recognised as the adopted son of the deceased in the supporting records. Once such adoption is accepted, the petitioner steps into the position of the child of the deceased for the purpose of succession.



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7. In that view, the legal heirs of the husband of the deceased cannot be said to have any present caveatable interest in the estate of the testatrix. Mere remote or contingent possibility of succession, which would arise only if both the adoption and the testamentary disposition fail, is not sufficient to insist upon notice in every case. Notice to such persons would become necessary only where the adoption is specifically disputed, appears doubtful, or is not supported by satisfactory materials. That is not the position here.

8. In the present case, there is no contest; the adoption is evidenced by Ex.P6; the petitioner is shown as the adopted son in the legal heirship materials; and the Will has also been proved through an attesting witness. Therefore, non-impleadment of the legal heirs of the deceased husband does not affect the maintainability of the petition.

9. This Court is also satisfied that the Will dated 02.02.1998 has been duly proved, that the testatrix died on 12.06.2021, that she left no executor under the Will, and that the petitioner, being the adopted son and universal legatee, is entitled to the grant sought.



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10. Accordingly, the Original Petition is allowed. There shall be a grant of Letters of Administration with the Will dated 02.02.1998 annexed in favour of the petitioner in respect of the estate of the deceased N. Jayalakshmi, having effect throughout the State of Tamil Nadu, on the petitioner executing 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.

11. The petitioner shall file the inventory of the estate within six months from the date of receipt of the Letters of Administration and shall render a true and proper account within one year thereafter, in the manner known to law. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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List of Witnesses examined on the side of the Petitioner:

PW1 – N.Bharath Kumar
PW2 – E.S.Rajan

List of Documents marked on the side of the Petitioner:

Ex.P.1 – original will dated 02.02.1998 executed by Mrs.N.Jayalakshmi
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Ex.P.2 – computed generated death certificate of Mrs.N.Jayalakshmi

Ex.P.3 – photocopy of the death certificate of Mr.Narayanan (compared with the original)

Ex.P.4 – computed generated legal heirship certificate of Mrs.N.Jayalakshmi

Ex.P.5 – photocopy of the legal heirship certificate of Mrs.N.Jayalakshmi (compared with the original)

Ex.P.6 - photocopy of the deed of adoption dated 10.05.1976 executed by Mrs.N.Jayalakshmi (compared with the original)

Ex.P.7 – photocopy of the sale deed dated 25.02.1972 in favour of Mr.R.Narayanan (compared with the original)

Ex.P.8 – photocopy of the certificate on the extract from the town survey land register dated 24.03.1998 (compared with the original)

Ex.P.9 - downloaded copy of the valuation report.

Ex.P.10 – photocopy of aadhar card of PW1(compared with the original)

Ex.P.11 – affidavit of assets showing the net value of the estate sum of Rs.1,95,56,640/-.

Ex.P.12 – (series – 2 nos.) are the copies of the paper publication effected in one issue of Tamil Daily “Malai Murasu” dated 03.01.2025 and one issue English Daily “Souther Mail” dated 26.09.2025.

Ex.P.13 – certificate under Section 63 (C)(4) of BSA for the electronic documents.

Ex.P.14 – photocopy of my Aadhaar card (compared with the original)

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DR.A.D.MARIA CLETE, J.

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