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OP No. 718 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 718 of 2024

N.Suresh S/o. N.Murali Mohan

..Petitioner(s)

Vs

No Respondent
Nil

..Respondent(s)

PRAYER: The Original Petition has been filed under Section 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration with the will annexed of the properties and credits of deceased to the petitioner as husband's Nephew / beneficiary under the Will of deceased limited to the State of Tamil Nadu.

For Petitioner(s): M/s.R.Angalaparameswari

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration to the petitioner to the estates and credits of the deceased having effect limited to 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 issues of Tamil Daily and also in English daily and the paper publication was also effected and there is no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence was also recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P10 were marked.

3. According to the petitioner, one N. Gopalarathinam, during his life time, purchased the schedule mentioned property through Sale Deed dated 17.08.1992. The said N. Gopalarathinam, is the brother of petitioner's father and he died intestate on 18.06.1995 leaving behind his wife S. Vijayalakshmi as his sole legal heir. The said N. Gopalarathinam and S. Vijayalakshmi were issueless. The parents of the said N. Gopalarathinam predeceased him. The petitioner's father is the only brother of said N. Gopalarathinam. After the demise of said N. Gopalarathinam, Mrs. S. Vijayalakshmi was the sole legal heir to succeed his estate and she died on 02.03.2022. The said S. Vijayalakshmi, during her life time, executed a Will dated 05.09.2001 in the presence of two witnesses N. Ranagarajan S/o. Ramadas and Amaraprabhu S/o. N. Rangarajan bequeathing the schedule property in favour of the petitioner herein. As per the said Will, no executor was appointed by the Testatrix. The amount of assets which are likely to come to the petitioner hands does not exceed and aggregate a sum of Rs.4 lakhs. There is no other next of kin or



other interested persons to be impleaded in this petition.

4. In order to prove the case of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P.10 were marked. PW1, the petitioner herein, has reiterated the petition averments and further stated that the deceased executed a Will dated 05.09.2001 in the presence of the attesting witnesses.

5. One of the attesting witnesses namely Amaraprabhu Rangarajan has been examined as PW2 and he has deposed that he knows the Testatrix as she was his paternal aunt, that she has executed the Ex.P.2 Will on 05.09.2001 in his presence and the presence of his father Rangarajan, who is no more, that the signatures found in Ex.P.2 are that of Mrs. S. Vijayalakshmi, that he has signed in the Will in the presence of Testatrix and she has affixed her signature in the presence of PW2 and she was in a sound state of mind and in good health at the time of execution of Ex.P.2 Will. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.10 revealed that the Testatrix has executed a Will bequeathing her property in favour of the petitioner and he is the only legal heir to succeed the estate of the Testatrix and no any objection has been raised by any other party to grant letter of administration to the petitioner. Therefore, the petitioner, through the evidences and documents, has amply proved the execution of Will. Therefore, the petitioner is entitled to the relief as prayed for in the petition.

6. Therefore, this Original Petition is *allowed* and Letter of Administration, to the estates and credits of the deceased Mrs. S. Vijayalakshmi



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)** each 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/Non-speaking order

Neutral Citation: Yes/No

MJS

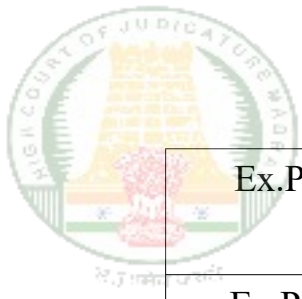
APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. N. Suresh
PW2 : Mr. Amaraprabhu Rangarajan

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	17.08.1992	Photocopy of the Sale Deed executed in favour of Mr. Gopalarathnam.
Ex.P.2	-	Original Will dated 05.09.2001 executed by Mrs. S. Vijayalakshmi.



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Ex.P.3	-	Photocopy of the Death Certificate of Mr. Gopalarathnam.
Ex.P.4.	-	Computer generated Death Certificate of Mrs. S. Vijayalakhmi.
Ex.P.5	-	Photocopy of PW1's Aadhar Card.
Ex.P.6	-	Affidavit of assets showing the net value of estate as Rs.4,00,000/-
Ex.P.7 series (2 nos.)	19.09.2025 and 26.09.2025	Copies of paper publications effected in one issue of Tamil daily "Makkal Kural" and one issue of English daily "Trinity Mirror".
Ex.P.8	-	Certificate under Section 63(4)(c) of B.S.A. for electronic documents.
Ex.P.9	-	Photocopy of PW2's passport.
Ex.P.10	-	Photocopy of PW2's Driving License.

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