



WEB COPY

TOS No. 2 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

TOS No. 2 of 2022

1. Chellammal
W/o.Late V.Srinivasan
2. S.Muthukrishnan (Deceased)
S/o.Late V.Srinivasan
3. Rajeswari
D/o.Late V.Srinivasan
4. Veerasamy @ Chinnathambi
S/o.Late V.Srinivasan
5. Subramani
S/o.Late V.Srinivasan
6. M.Prakash
S/o.Late S.Muthukrishnan
7. M.Prathap
S/o.Late S.Muthukrishnan
8. M.Nandini Devi
D/o.Late S.Muthukrishnan
9. James Mary
W/o.Late S.Muthukrishnan
(Plaintiffs 6 to 10 are brought on record as legal heirs of deceased 2nd plaintiff, as per order dated 07.04.2022 and time extended on 28.04.2022 in A.No.1540/2022 and 10th Plaintiff deleted and amendment carried out as per order dated 27.07.2022 in A.No.2994/2022)

..Plaintiffs



Vs

1. Meenakshi (Deceased)
W/o.Loganathan and D/o.Arayeramma and
Veerasamy
2. V.Perumal (Deceased)
S/o.Arayeramma and Veerasamy
3. Narasimhan
S/o.Late V.Srinivasan
4. P.Kala
W/o.Late V.Perumal
5. P.Gomathi
D/o.Late V.Perumal
6. P.Varalakshmi
D/o.Late V.Perumal

(Defendants 4 to 6 are brought on record as
legal heirs of deceased 2nd defendant and
amended as per order dated 03.01.2022 in
A.No.5116/2022 in TOS.No.2/2022)

7. Parameshwari
W/o.A.Mahaan
D/o.Mr.Loganathan and Mrs.Meenakshi
8. L.Baskar
S/o.Late Mr.Loganathan and Mrs.Meenakshi
9. Bhavani
W/o.Mr.Narasimhan,
D/o.Mr.Loganathan and Mrs.Meenakshi
- 10.Dakshayani
W/o.Ravi
D/o.Mr.Loganathan and Mrs.Meenakshi,



(Defendants 7 to 10 are brought on record as legal heirs of deceased 1st defendant and amended as per order dated 04.09.2023 in A.No.4576/2023 and time extended as per order dated 19.09.2023)

..Defendants

PRAYER : To grant Letters of Administration with the Original copy of Will dated 11.11.1993 annexed to the Plaintiffs herein in respect of the property mentioned in the Affidavit of Assets as Successors and Legal Heirs of the Legatee (Srinivasan, since died), under the WILL of the deceased having effect limited to the State of Tamil Nadu.

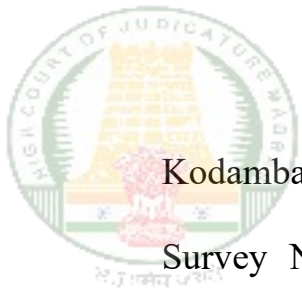
For Plaintiffs: M/s.K.V.Sundararajan

For Defendants: D1 And D2 - Deceased
D3 - Set Ex-parte
D4 To D10 Set Ex-parte

JUDGMENT

This Testamentary Original Suit has been filed by the plaintiffs, seeking Letters of Administration with the original copy of Will, dated 11.11.1993, annexed in respect of the property mentioned in the Affidavit of Assets as Successors and Legal Heirs of the Legatee (V.Srinivasan, since died), under the WILL of the deceased having effect limited to the State of Tamil Nadu.

2. According to the plaintiffs, the property, being house, ground and premises bearing Plot No.7/8 Vedammal Avenue, Dr.Subbarayan Nagar,



Kodambakkam, Chennai – 600 024, measuring about 1148 sq.ft., comprised in Survey No.18 Part, Sub-Division Survey No.18/3, Kodambakkam Village, Nungambakkam-Chetput Taluk, Chennai District, belonged to one Arayamma and she obtained the same by a Settlement Deed, dated 06.09.1980, vide Document No.387 of 1980 on the file of Sub-Registrar, Kodambakkam. The said Arayamma was married to one Veerasamy and, out of their wedlock, three children, namely, (1) V.Srinivasan, (2) Meenakshi and (3) V.Perumal, were born. The said Arayamma died on 25.12.1994, leaving behind her abovesaid children, as her legal heirs. Arayamma's husband Veerasamy predeceased her.

3. It is stated in the petition that Arayamma had executed a Will, dated 11.11.1993, which was registered as Document No.222 of 1993 on the file of Sub-Registrar, Kodambakkam. As per the said Will, Arayamma bequeathed her the abovesaid property in favour of her first son, namely, V.Srinivasan, to be taken fully and absolutely. The said Srinivasan died on 28.09.2006, leaving behind the plaintiffs and the third defendant as his legal heirs.

4. Plaintiffs would state that the plaintiffs and the defendants are entitled to the property. Defendants have relinquished their share by way of a Release Deed, dated 11.11.1993. Only in October 2017, when an old trunk box in the house was taken up for cleaning, the plaintiffs found the original registered Will, dated 11.11.1993, between the clothes. Therefore, the plaintiffs were not in a position to seek Letters of Administration of the Will earlier.



5. It is also stated that the amount of assets, which is likely to come to the hands of the plaintiffs does not exceed the aggregate sum of Rs.44,61,128/- and the net amount of the said assets, after deducting all items, which the plaintiffs are by law allowed to deduct, is of the value of Rs.44,61,128/-.

6. Plaintiffs would further state that they have impleaded all the next of the kin and kith and there are no other next of kin or other persons interested to be impleaded. They further state that they have not filed any petition before any Court for grant of Letters of Administration in respect of the above mentioned properties.

7. Plaintiffs undertake to duly administer the property and credits of the said late Arayamma in any way concerning her Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same before this Court within six months from the date of grant of Letters of Administration and also to render to this Court a true account of the said property and credits within one year from the said date.

8. One of the plaintiffs, namely, Veerasamy @ Chinnathambi examined himself as P.W.1 and deposed to the contents of the petition. Seven documents were marked as Exs.P-1 to P-7 on his behalf. Ex.P-1 is the original Will executed by Arayamma, dated 11.11.1993, in favour of V.Srinivasan. Ex.P-2 is the Death Certificate of Arayamma, dated 09.02.1995. Ex.P-3 is the photocopy of Legal Heir Certificate of Arayamma. Ex.P-4 is the photocopy of Death



Certificate of V.Srinivasan, dated 19.10.2006. Ex.P-5 is the photocopy of Legal Heir Certificate of V.Srinivasan, dated 21.02.2007. Ex.P-6 is the true copy of the Complaint in O.S.No.4063 of 2014 on the file of IV Additional Judge, City Civil Court, Chennai, renumbered as C.S.No.364 of 2019. Ex.P-7 is the Written Statement in O.S.No.4063 of 2014 on the file of IV Additional Judge, City Civil Court, Chennai, dated 12.03.2015.

9. The Will has been attested by four witnesses, namely, V.Perumal, Meenakshi, A.K.Velu and P.Kothandan.

10. One of the attesting witnesses, namely, A.K.Velu @ A.Kathirvel, was examined as P.W.2, who has spoken to, that the Will, Ex.-P-1, was executed in favour of V.Srinivasan. He also affirmed that the thumb impression affixed in Ex.P-1 – Will was that of the legator – Arayamma and, in his presence only, the said thumb impression was affixed and that the Will was executed in his presence, along with others. He further deposed that Arayamma was in good and sound state of mind and health at the time of execution of the Will. When he was confronted with a question as to whether the other attesting witnesses were alive, his answer was ‘nay’.

11. On the face of the records and also the evidence, both oral and documentary, the plaintiffs have proved the document Ex.P-1-Will. Therefore, Letters of Administration is directed to be issued in favour of the plaintiffs. Plaintiffs are directed to take inventory of the assets of the deceased - Arayamma within six months from today and render true and due accounts of



the properties and credits before this Court within one year from today.

Plaintiffs are also directed to execute a bond for a sum of Rs.25,000/- in favour of Assistant Registrar, Original Side, of this Court.

12. Testamentary Original Suit is allowed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.R.N.MANJULA, J.

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