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OP No. 257 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

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

OP No. 257 of 2025

H.Suresh
S/o.Late Harinath Babu,
Flat No.25, Jains Rishab Gardens,
10 Anna Main Road, Kodambakkam,
Chennai - 600 024.

..Petitioner(s)

Vs

R.K.Gowri Shanker
2/C, 3rd Block,
Bajaj Apartments, Nandanam Extension,
Chennai - 600 035.

..Respondent(s)

Prayer : Original Petition filed under sections 232 and 276 of Indian Succession Act that the Letters of Administration with the Will annexed may be granted to the petitioner as the brother of the deceased and the beneficiary under the Will of the deceased, having effect throughout the State of Tamil Nadu Gross Amount Rs.1,11,00,000/- and Net Amount Rs.1,10,99,000/- Suc.duty of Rs.25,000/- paid on 30.07.2025 by e-C/F D.No.29965/2025.

For Petitioner(s):

Mr.Deepak Kannan B
M/s.R And P Partners

For Respondent(s):

No appearance



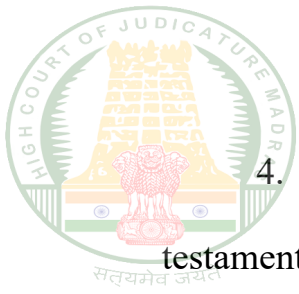
ORDER

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This Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of the Original Side Rules, seeking grant of Letters of Administration with the Will annexed in respect of the last Will and testament dated 19.01.2018 of late Anitha Girijashanker.

2. The petitioner, H. Suresh, states that he is the brother of the deceased Anitha Girijashanker. The deceased was the wife of late R.K. Girijashanker. She was ordinarily residing at Plot No.150, New Door No.13, Old Door No.16, 11th Street, Nandanam Extension, Chennai – 600 035, and died on 10.05.2021 at Vijaya Health Centre, Vadapalani, Chennai.

3. According to the petitioner, the father and mother of the deceased had predeceased her. Her husband R.K. Girijashanker and her son had also predeceased her. It is stated that the petitioner is the brother and the only surviving legal heir of the deceased. The respondent, Dr. R.K. Gowri Shanker, is described as the Class II legal heir of the deceased's husband.



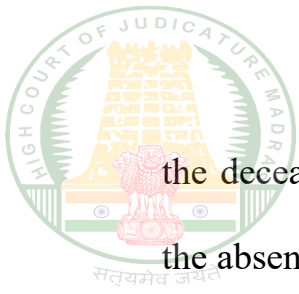
4. The petitioner states that the deceased executed her last Will and testament on 19.01.2018. No executor was appointed under the Will. Hence, the petitioner seeks grant of Letters of Administration with the Will annexed.

5. The property covered under the Will is the flat bearing Flat No.T-2, third floor, together with 600 sq.ft. undivided share of land in and out of 4000 sq.ft., situated at Plot No.150, New Door No.13, Old Door No.16, 11th Street, Nandanam Extension, Chennai – 600 035, comprised in R.S.No.3884/166, Block No.77, Mylapore Village. The petitioner states that the said property has been bequeathed to him under the Will.

6. The petitioner has stated that the gross value of the estate is Rs.1,11,00,000/- and the net value is Rs.1,10,99,000/-.

7. Notice was served on the respondent through Bailiff on 09.06.2025. General citation was also ordered and paper publication was effected in Tamil daily “Makkal Kural” dated 15.08.2025 and English daily “Trinity Mirror” dated 22.08.2025. On 02.09.2025, the learned Master recorded that service was complete and that no objection was raised by any person in open Court.

8. The petitioner examined himself as P.W.1 before the learned Master on 07.11.2025. He spoke about the relationship with the deceased, the death of

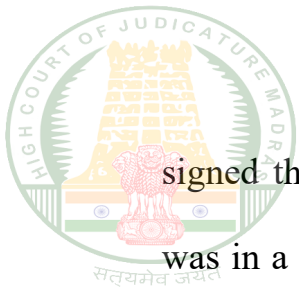


the deceased, the execution of the Will, the property covered by the Will, and the absence of any objection. He marked Exs.P1 to P11.

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9. Ex.P1 is the original Will dated 19.01.2018. Ex.P2 is the death certificate of Girijashanker Rajagopal Kuppuswami. Ex.P3 is the legal heirship certificate of R. Girijashanker. Ex.P4 is the death certificate of Anitha Girijashanker. Ex.P5 is the sale deed dated 21.02.2011. Ex.P6 is the legal heirship certificate of P.V.H. Babu. Ex.P7 is the death certificate of Kuppuswami Girijashanker. Ex.P8 is the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023. Ex.P9 is the affidavit of assets. Exs.P10 and P11 are the paper publications. P.W.2 Priya Suresh was examined on 24.11.2025. She stated that she is the wife of the petitioner H. Suresh and that Anitha Girijashanker was her husband's sister. She further stated that she signed Ex.P1 Will as the first attesting witness. Her Aadhaar card was marked as Ex.P12.

10. P.W.3 Ramya Suresh was examined on 07.04.2026. She stated that she is the daughter of the petitioner H. Suresh and that Anitha Girijashanker was her paternal aunt. She further stated that she signed Ex.P1 Will as the second attesting witness. Her Aadhaar card was marked as Ex.P13. P.W.2 and P.W.3 have clearly spoken about the execution and attestation of Ex.P1 Will. They have stated that the testatrix signed the Will in their presence and that they



signed the Will as attesting witnesses. They have also stated that the testatrix was in a sound state of mind and in good health at the time of execution of the Will.

11. In this regard, it is to be noted that the testatrix and the beneficiary are Hindus. Under Section 57(c) of the Indian Succession Act, 1925, only the provisions of Part VI which are set out in Schedule III are applicable to Wills made by Hindus, Buddhists, Sikhs and Jainas on or after 01.01.1927. Section 67 of the Indian Succession Act, 1925 is not one of the provisions included in Schedule III. Therefore, Section 67 is not applicable to the present Hindu Will.

12. Hence, the bequest in favour of the petitioner cannot be held to be void merely because his wife was one of the attesting witnesses. Therefore, the evidence of P.W.2 and P.W.3 can be received and acted upon for proving the execution and attestation of Ex.P1 Will.

13. On considering the petition, documentary and oral evidence, the service of notice on the respondent, the paper publications and the absence of objection, this Court is satisfied that Ex.P1 Will dated 19.01.2018 has been duly proved and that the petitioner is entitled to Letters of Administration with the Will annexed.



14. Accordingly, this Original Petition is allowed. Letters of Administration with the Will annexed shall be issued to the petitioner in respect of the estate of late Anitha Girijashanker, having effect throughout the State of Tamil Nadu. The petitioner shall execute a security bond for a sum of Rs.25,000/- in favour of the Assistant Registrar, Original Side, High Court, Madras. The petitioner shall file a full and true inventory of the estate within six months from the date of grant of Letters of Administration and shall render true and proper accounts within one year from the date of grant. There shall be no order as to costs.

23-06-2026

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

vrc

Witnesses examined on the side of the petitioner:

P.W.1 – H. Suresh

P.W.2 – Priya Suresh

P.W.3 – Ramya Suresh

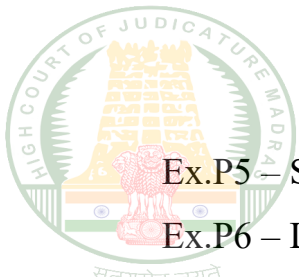
Documents marked on the side of the petitioner:

Ex.P1 – Original Will dated 19.01.2018.

Ex.P2 – Death certificate of Girijashanker Rajagopal Kuppuswami.

Ex.P3 – Legal heirship certificate of R. Girijashanker.

Ex.P4 – Death certificate of Anitha Girijashanker.



Ex.P5 – Sale deed dated 21.02.2011.

Ex.P6 – Legal heirship certificate of P.V.H. Babu.

Ex.P7 – Death certificate of Kuppuswami Girijashanker.

Ex.P8 – Certificate under Section 63 of the Bharatiya Sakshya Adhiniyam,
2023.

Ex.P9 – Affidavit of assets showing the net value of the estate as
Rs.1,10,99,000/-.

Ex.P10 – Paper publication in Tamil daily “Makkal Kural” dated 15.08.2025.

Ex.P11 – Paper publication in English daily “Trinity Mirror” dated 22.08.2025.

Ex.P12 – Aadhaar card of P.W.2 Priya Suresh.

Ex.P13 – Aadhaar card of P.W.3 Ramya Suresh.

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DR.A.D.MARIA CLETE, J.

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