



WEB COPY

OP No. 573 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 573 of 2024

1. Hemalatha Santhanakrishnan
D/o. (Late) Mr.K.V.Krishnamurthy,

2. Krishnaveni Bashkar
D/o. (Late) K.V.Krishnamurthy,

..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 praying to grant Letter of Administration with the Will annexed of property and credits of the deceased K.Sivakumar to the petitioners as sisters of the deceased/beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioner(s): S.Saravanan

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration to the petitioners 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 petitioners 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 to PW3 were examined and Ex.P.1 to Ex.P13 were marked.

3. According to the petitioners, one Mr. K. Sivakumar and the petitioners are the children of one Late Mr. K.V. Krishnamurthy and their father had acquired the 'A' schedule property, in which, 1/5 share of the land and a house property measuring 276.27 sq. ft. on the ground floor along with an undivided share of 176 sq. ft. was allotted to their brother K. Sivakumar, by way a registered family Partition Deed. The said K. Sivakumar was a divorcee and he had no issues and he died on 30.01.2024. The deceased K. Sivakumar, had executed a Will dated 03.01.2024 in the presence of two attesting witnesses namely P. Jagadeeshwaran and S. Kumarasamy, bequeathing the schedule mentioned properties in favour of the petitioners. As per the said Will, no executor has been appointed by the testator K. Sivakumar. The amount of assets which are likely to come into the hands of the petitioner is approximately Rs.20,40,000/-. Except the petitioners, there is no other next of kin to the deceased.



4. In order to prove the case of the petitioners, PW1 to PW3 were examined and Ex.P.1 to Ex.P.13 were marked. PW1, the 1st petitioner herein, has reiterated the petition averments and further stated that the deceased executed a Will dated 03.01.2024 in the presence of the attesting witnesses.

5. The 2nd petitioner has been examined as PW2. She has also reiterated the petition averments and corroborated the evidence of PW1. PW3, Mr. S. Kumarasamy, is one of the attesting witnesses and he has deposed that he knows the petitioners for the past 50 years, that the petitioners are the sisters of the deceased Sivakumar, that the Testator affixed his thumb impression in the Will, that PW3 has signed in the Will as a second attesting witness and that the Testator was in sound state of mind at the time of execution of Will. PW3 has also identified the Will and the signatures of the Testator and the first attesting witness. A perusal of evidences of PW1 to PW3 and Ex.P.1 to Ex.P.13 revealed that the petitioners are the legal heirs of Mr. K. Sivakumar and no any objection has been raised by any other party to grant letter of administration to the petitioners. Therefore, the petitioners, through the evidences and documents, have amply proved the execution of Will. Therefore, the petitioners are 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 Mr. K. Sivakumar in favour of the petitioners, is granted.



7. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners each, are 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 petitioners are further directed to render true and correct accounts once in a year.

20-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MJS

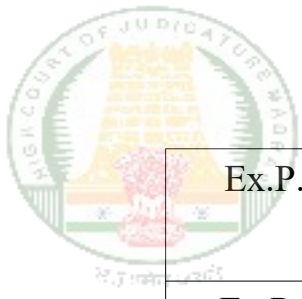
APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. Hemalatha Santhanakrishnan
PW2 : Mrs. Krishnaveni Bashkar
PW3 : Mr. S. Kumarasamy

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	22.07.1989	Certified copy of the registered Sale Deed Doc. No.3009 / 1989.
Ex.P.2	05.06.2009	Certified copy of the registered Partition Deed in Doc. No.3436/2009.



Ex.P.3	18.07.2023	Photocopy of the Divorce Order in H.M.O.P. No.72 of 2023.
Ex.P.4.	14.02.2024	Photocopy of the Death Certificate of PW1's brother K. Sivakumar Krishnamurthy (Date of Death: 30.01.2024).
Ex.P.5	03.01.2024	Original Will executed by K. Sivakumar Krishnamurthy in favour of Mrs. Hemalatha Santhanakrishnan and Mrs. Krishnaveni Bashkar.
Ex.P.6	-	Photocopy of the Family Card Mr. Santhanakrishnan and 1 st petitioner Mrs. Hemalatha Krishnamurthy.
Ex.P.7	-	Photocopy of the Aadhar Card of the 1 st petitioner Mrs. Hemalatha Santhanakrishnan.
Ex.P.8	-	Photocopy of the Original Property Tax Card.
Ex.P.9	-	Photocopy of the TNEB Card.
Ex.P.10	-	Online copy of the Encumbrance Certificate.
Ex.P.11	-	Online copy of the Guideline value.
Ex.P.12	-	Photocopy of the Family card of the 2 nd petitioner Mrs. Krishnaveni Bashkar.
Ex.P.13	-	Photocopy of the Aadhar Card of the 2 nd petitioner Mrs. Krishnaveni Bashkar.

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