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OP No. 376 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 376 of 2025

Parvathy Srinivasan W/o. Srinivasan,

..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 the Original Side Rules praying that Letter of Administration with the Will annexed to the properties and credits of deceased may be granted to the petitioner as the nephew of the said deceased/beneficiary/legatee under the will of deceased to have effect throughout the State of Tamil Nadu.

For Petitioner(s): Mr. S.Raja Ravi Varma

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 throughout 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 issue 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 petitioners, PW1 and PW2 were examined and Ex.P.1 to Ex.P.20 were marked.

3. According to the petitioner, originally the schedule mentioned property was owned by one Krishna Iyer. The said Tr. Krishna Iyer had two sons namely Shankar Iyer and Venkatesha Iyer. After the demise of Krishna Iyer, his property was inherited by his two sons equally. The said Shankar Iyer had four sons namely Krishnamurthy, Janakiraman, Sambamurthy and Subramanian and the said Venkatesha Iyer had two sons namely Krishnamurthy and Nagarajan. The above said Shankar Iyer died intestate without Will on 13.03.1948 and after his demise, his undivided half share in the property of the said Krishna Iyer, was inherited equally by his four sons. After the demise of the Venkatesha Iyer, his undivided 1/2 share was inherited by his two sons. Further one of the sons of said Venkatesha Iyer namely Nagarajan, sold his undivided 1/4 share to the four sons of Shankar Iyer through a Sale Deed dated 07.03.1958. Thus, the share of said Shankar Iyer became 3/4 share in the property owned by Krishna Iyer. Thereafter, by way of Partition Deed dated 04.05.1959, entered into between the four sons of Shankara Iyer and



Krishnamurthy, son of Venkatesha Iyer, the 'B' Schedule property was allotted to the four sons of Shankara Iyer and 'C' schedule property was allotted to Krishnamurthy, Son of Venkatesha Iyer. Among which, the "B" Schedule property is the subject matter of the Will herein.

3.1. Among the four sons of Shankara Iyer, two sons namely Krishnamurthy and Janakiraman remained bachelors and they died on 13.06.1990 and 15.02.1986 respectively. Consequently, the entire 'B' Schedule property was inherited by the remaining surviving sons of Shankara Iyer namely Sambamurthy and Subramanian. The said Sambamurthy married one Chellammal and the petitioner herein is the only daughter of the said Sambamurthy and Chellammal. The said Subramanian married Alamelu and they had no issues. The father and mother of the petitioner died intestate on 20.05.2016 and 05.06.2012 respectively. The said Mrs. Alamelu, wife of Subramanian, by a Will dated 18.03.2021, had bequeathed the share of her husband Subramanian to an extent of 1645 sq ft., to the petitioner herein absolutely. The Testatrix Alamelu died on 10.11.2023 and her husband Subramanian died on 11.12.2019. As per the said Will dated 18.03.2021 executed by Mrs. Alamelu, there is no executor appointed. The petitioner is the only beneficiary and Class-II legal heir. There is no other next of kin or other person interested to be impleaded in this petition. The total value of the assets would come around Rs.50,00,000/-.



4. The petitioner herein, was examined as PW1. She has deposed that she is the daughter of Mr. Sambamurthy and Mrs. Chellammal and the Testatrix Mrs. S. Alamelu is the wife of brother of the petitioner's father and the Testatrix Mrs. S. Alamelu had executed a Will dated 18.03.2021 in the presence of two witnesses namely Mr. R.S. Jayakumar and Mrs. Meena Ramesh bequeathing the property in favour of the petitioner herein. The said Mr. R.S. Jayakumar, who is one of the attesting witnesses in the Will dated 18.03.2021, has been examined as PW2. He has deposed that he knew the testatrix Mrs. S. Alamelu as his brother's wife and the Testatrix had executed the Ex.P.1 Will on 18.03.2021 in his presence and one Mrs. Meena Ramesh. The Testatrix was in a sound state of mind and in good health at the time of execution of Ex.P.1. The Testatrix signed in the Will in the presence of the attesting witnesses. PW2 is well acquainted with the signature of the Testatrix Mrs. S. Alamelu. PW2 has signed as second attester to Ex.P.1 Will. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.0 revealed that the petitioner is the legal heir of the deceased and no any objection has been raised by any other party to grant letter of administration in favour of 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.

5. Therefore, this Original Petition is *allowed* and Letter of Administration, to the estates and credits of the deceased Ms. S. Alamelu in favour of the petitioner, is granted.



6. 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 each** for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** 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

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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. Parvathy Srinivasan

PW2 : Mr. R.S. Jayakumar

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	18.03.2021	Original Will executed by Mrs. S. Alamelu.
Ex.P.2	-	Computer generated Death Certificate of Mrs. S. Alamelu.



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Ex.P.3	-	Computer generated Death Certificate of Mr. N.S.Subramanian.
Ex.P.4.	-	Computer generated Legal Heirship Certificate of Mr. N.S. Subramanian.
Ex.P.5	-	Computer generated Death Certificate of Mr. N.S. Sambamoorthy.
Ex.P.6	-	Computer generated Death Certificate of Mrs. Chellammal.
Ex.P.7	-	Photocopy of Legal Heirship Certificate of Mr. N.S. Sambamoorthy.
Ex.P.8.	-	Photocopy of Death Certificate of Mr. N.S. Krishnamoorthy.
Ex.P.9.	-	Photocopy of Death Certificate of Mr. N.S. Janakiraman.
Ex.P.10 .	-	Photocopy of Legal Heirship Certificate of Mr.N.K. Shankar Iyer.
Ex.P.11	30.09.1955	Photocopy of the Partition Deed.
Ex.P.12	07.03.1958	Photocopy of the Sale Deed.
Ex.P.13	04.05.1959	Photocopy of the Partition Deed.
Ex.P.14	27.06.2019	Downloaded copy of the Extract from the Town Survey Land Registration.
Ex.P.15	-	Photocopy of PW1's Aadhar Card.
Ex.P.16	-	Affidavit of asset showing the net value of the estate for a sum of Rs.50 lakhs.
Ex.P.17	10.11.2025	Copy of the paper publication effected in one issue of English daily 'Trinity Mirror'.
Ex.P.18	17.12.2025	Copy of the paper publication effected in one issue of Tamil daily "Malai Tamizhagam".
Ex.P.19	-	Certificate under Section 63(4)(C) of B.S.A. for electronic documents.
Ex.P.20	-	Photocopy of PW2's Aadhar Card.

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