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OP No. 125 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 125 of 2025

B.Venkatesan S/o. Late K.Boopathy,
New No.33, Old No.8,
Gangai Amman Kovil 2nd Street,
Vadapalani, Chennai 600 026.

..Petitioner(s)

Vs

1.B.Selva Kumar S/o. Late K.Boopathy,
No.6, Nehru Street,
Srinivasa Nagar,
North Malayambakkam,
Kancheepuram,
Tamil Nadu 600 123.
2.T.Manjula D/o. Late K.Boopathy,
Thanigaianman 4,
Sri Krishnan Avenue,
Thandurai Roja Street Extn,
Pattabiram, Tiruvallur,
Tamil Nadu 600 072.

3.C.Thilagavathy D/o. Late K.Boopathy,
No.9, Roja 1st Street, Devar Street,
Kurinjima Nagar,
Thandurai, Tiruvallur,
Tamil Nadu 600 072.

..Respondent(s)

PRAYER: The Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules praying that Letters of Administration with Will annexed of the properties



and credits of the deceased may be granted to the petitioner as Son/Beneficiary under the Will of the deceased to have effect limited to the State of Tamil Nadu.

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For Petitioner(s): M/s.Deepan Sunil.R

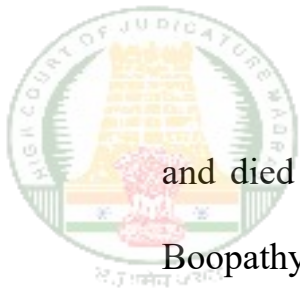
For Respondent(s): M/s.G.Kiron Shetty

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.P14 were marked.

3. According to the petitioner, the petitioner and the respondents are the children of one Late K. Boopathy. The father of the petitioner and the respondents K. Boopathy died on 09.03.2023. He was then ordinarily residing at New No.33, Old No.8, Gangai Amman Kovil 2nd Street, Vadapalani, Chennai



and died leaving the said property. The Last Will and Testament of Late K. Boopathy was dated 24.09.2009 and he has executed the said Will in the presence of two attesting witnesses. The whereabouts of the attesting witnesses are not known. As per the said Will, the wife of Testator namely B. Ranganayaki had life interest over the schedule mentioned immovable property and she died on 30.03.2011. Further, no any executor was appointed by the Testator. The amount of assets which are likely to come to the petitioner hands does not exceed and aggregate a sum of Rs.50 lakhs. The respondents have given their consent to grant letters of administration in favour of the petitioner. Except the parties herein, 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.14 were marked. PW1, the petitioner herein, has reiterated the petition averments and further stated that the deceased executed a Will dated 24.09.2009 in the presence of the attesting witnesses namely G. Gunasekaran and D.K. Wilson.

5. The Will is dated 24.09.2009, which was executed by the deceased Mr. K. Boopathy in the presence of two attesting witnesses. The whereabouts of the said attesting witnesses are stated to be not known.



6. As the whereabouts of the said attesting witnesses are not known, one Ms. C. Thilagavathy, who is the daughter of the Testator, has been examined as PW2. A third party affidavit has also been filed to that effect. PW2 has deposed that she knows the Testator and he is her father, that she was present at the time of execution of Will by her father K. Boopathy, that she knows the signature of her father, that the attesting witnesses Gunasekaran and Wilson are her father's friends, that her father Boopathy and the attesting witnesses signed in the Ex.P.1 Will in her presence on 24.09.2009. Further PW2 has also identified the signatures of the Testator and the attesting witnesses in Ex.P.1 Will. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.14 revealed that the Testator has executed a Will and the petitioner and the respondents are surviving legal heirs to succeed the estate of the Testator and the mother of the petitioner and the respondents, who had life estate as per the said Will, is no more. No any objection has been raised by any other party to grant letter of administration to the petitioner. The respondents have also consented for granting letters 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.



7. Therefore, this Original Petition is *allowed* and Letter of Administration, to the estates and credits of the deceased Mr. K. Boopathy in favour of the petitioner, is granted.

8. 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.

24-02-2026

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

MJS

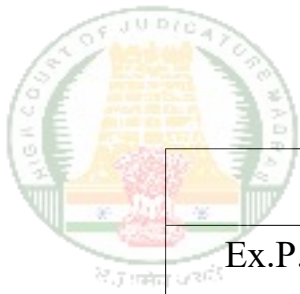
APPENDIX:

List of Petitioner side Witnesses:

PW1	:	Mr.B. Venkatesan
PW2	:	Ms. C. Thilagavathy

**List of Petitioner side Documents:**

Exhibit No.	Date	Description of Documents.
Ex.P.1.	24.09.2009	Original Will and Testament executed by Mr. K. Boopathy.
Ex.P.2	27.10.1961	Photocopy of the Sale Deed in favour of Mr. Boopathy and Mr. Kulasekaran.
Ex.P.3	05.12.1975	Photocopy of the Partition Deed entered into between Mr. K. Boopathy and Mr. Kulasekaran.
Ex.P.4.	-	Computer generated Death Certificate of Mrs. B. Ranganayaki along with Certificate under Section 63(4) of B.S.A.
Ex.P.5	-	Computer generated Death Certificate of Mr. Boopathy along with certificate under Section 63(4) of B.S.A.
Ex.P.6	-	Computer generated Legal Heirship Certificate of Mrs. B. Ranganayaki along with Certificate under Section 63(4) of B.S.A.
Ex.P.7	01.01.1975 to 19.02.2020	Downloaded copy of the Encumbrance Certificate along with Certificate under Section 63(4) of B.S.A.
Ex.P.8	-	Photocopy of the Patta stands in the name of Mr. K. Boopathy.
Ex.P.9	28.05.2003	Downloaded copy of the Property Tax receipt stands in the name of Mr. Boopathy along with Certificate under Section 63(4) of B.S.A.
Ex.P.10	-	Unclaimed notice of Mr. D.K. Wilson along with Certificate under Section 63(4) of



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		B.S.A.
Ex.P.11	-	Unclaimed notice of Mr. Gunasekar along with Certificate under Section 63(4) of B.S.A.
Ex.P.12	-	Affidavit of assets showing the net value of the estate as Rs.50 lakhs.
Ex.P.13 series	24.10.2025 and 31.10.2025	Copies of the paper publications effected in one issue of English daily “Trinity Mirror” and one issue of Tamil daily “Makkal Kural”.
Ex.P.14	-	Photocopy of PW2’s Aadhar Card

24.02.2026



WEB COPY

OP No. 125 of 2



P.DHANABAL, J.

MJS

OP No. 125 of 2025

24-02-2026