Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

OP No. 562 of 2025

CNR: {HCMA011834462025}

1. M.Vikram Rao and another
   S/o. M.Murugadas Rao,
   Plot No.55, Krishna Nagar Main Road,
   Balram Nagar, Kasbapuram,
   Chennai 600 126.
2. M.Ramya Rao
   D/o. M.Murugadas Rao,
   Plot No.55, Krishna Nagar Main Road,
   Balram Nagar, Kasbapuram,
   Chennai 600 126.

..Petitioner(s)

Vs

M.Murugadas Rao
S/o. M.S.Main Rao,
Plot No.55, Krishna Nagar Main Road,
Balram Nagar, Kasbapuram,
Chennai 600 126.

..Respondent(s)

that Letters of Administration with the Will and Testament dated 10.05.2000 executed by the deceased N.Rajkumar @ N.Joshwa Samuel RajKumar annexed may be granted to them as beneficiaries/legatees under the Will of the deceased having effect throughout the State of Tamil Nadu. Gross amount of Rs.92,12,500/- Net amount of Rs.92,12,500/- Suc.duty of Rs.25,000/- paid on 05.11.2025 by e-C/F D.No.42039/2025.

For Petitioner(s): Mr.N.Elumalai

For Respondent(s): No appearance

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Heard the learned counsel for the petitioners.

2. The petitioners seek grant of Letters of Administration with the Will of late N.Rajkumar @ N.Joshwa Samuel Rajkumar dated 10.05.2000 annexe.

3. The petitioners are the children of the sister of the late N.Rajkumar @ N.Joshwa Samuel Rajkumar, who died on 11.12.2021 leaving behind his last Will and testament dated 10.05.2000.

4. The first petitioner has examined himself as P.W.1 and marked Exs.P.1 to P.9 before the learned Master. The sold respondent who is the father of the petitioners has given his consent affidavit, which is also taken on file by the learned Master.

5. One Rajkumar was examined as P.W.2 and he has stated that he was acquainted with the testator for three to four decades being his friend. He has also stated that he has attested Ex P.1 Will as the second attesting witness. He has further stated that the testator was in a sound state of mind at the time of execution of Ex.P.1 Will and that the Will was signed in his presence and in the presence of the other attesting witness Mr.P.A.Jaikumar. He has also stated that

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he also identified the signature of the testator before the Sub Registrar when the Will was registered.

6. From the evidence of P.W.1 and P.W.2, I am satisfied that the petitioners have made out a case for grant of Letters of Administration as prayed for.

7. In fact, the learned counsel for the petitioners fairly brought to my notice that under Ex.P.1 Will, the testator had appointed two executors viz., Chindrella Priyakumari Rao and Murugadas Rao as the executors and trustees of the Will. However, the said Chindrella Priyakumari Rao died on 17.08.2022, the executorship could not be exercised by the surviving executor. On going through the Will, I do not find that the testator had appointed the executors jointly and severally. Hence, I am in agreement with the submissions of the learned counsel for the petitioners that probate could not be sought for and instead, letters of administration has been sought for. General Paper Publication, as contemplated under the provisions of the Indian Succession Act has also been effected and copies have been exhibited by the learned Master.

8. In fine, I do not find any impediment for grant of Letters of Administration as prayed for by the petitioners.

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P.B.BALAJI, J.

SR

9. In fine,

(i) This Original Petition is ordered and the Letters of Administration, having effect throughout the State of Tamil Nadu, shall be issued in favour of the petitioners, with the Will dated 16.09.1998, annexed;

(ii) The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the suit schedule;

(iii) The petitioners shall execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S-II), High Court, Madras;

(iv) The petitioners are further directed to make a full and true inventory of the property and credits of the deceased testatrix, N.Rajkumar @ N.Joshwa Samuel Rajkumar to be made and the same be exhibited before this Court, within six months from the date of grant of Letters of Administration to them and also to render a true account of the property and credits of the testatrix, within one year from the date of obtaining Letters of Administration; and

(v) Considering the relationship between the parties, there shall be no order as to costs.

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