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. 1029 of 2018 and A.No.4596 of 2026

CNR: {HCMA013356152017}

Mrs.Latha Krishnan
No.13/7, East Circular Road,
Mandavelipakkam,
Chennai - 600 028.
(Amended as per order dated 24.10.2025 in A.No.4749 of 2025 in O.P.No.1029 of 2018 and time extended by order dated 26.11.2025 in O.P.No.1029 of 2018)

..Petitioner(s)

Vs

1. Mrs.Uma Subramanian
   No.50, 1st Floor, 5th Trust Cross Street,
   Mandavelipakkam, Chennai-600028.
2. Mrs.Radha Gopal
   Ground Floor, 41, New No.50, 4th Trust Cross Street, Mandavelipakkam, Chennai-600028.
3. G.Jayashree
   904, Odyssey II, Hiranandani Gardens, Powai,
   Mumbai-400072.
4. G.Sunitha
   HSBC, Post Box No.57, Doha, Quatar.
5. Mrs.Chitra Streenath
   1, Ainsbury Avenue, Ajax, Ontario, L1Z1R6,
   Canada.
6. Mrs.Priya Krishnan
   No.9, Kimball Ct, No.214, Burlington MA
   01803 USA.

..Respondent(s)

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That Letters of Administration with the copy of the Will annexed may be granted to K.Subramanian, Power agent of the petitioner asthe brother-in-law of decased legatee under the Will of the deceased, having effect limited to the State of Tamilnadu and for the use and benefit of his Principla, limited until he shall obtain Letters of Administration granted to himself and limited until the orgiinal or a properly authenticated copy of it is produced. Gross Assets Rs.3,00,000/- Net Assets Rs.3,00,000/- Suc Duty Rs.22,000/- paid on 1/4/2019

For Petitioner(s): Mr.K.V.Babu
For Mrs..K.R.B.Dharanee

For Respondent(s): Ms.Shruti R
For R5 & R6
R.1 to R.4 – No appearance

ORDER

The present petition has been filed seeking grant of Letters of Administration with Will dated 06.10.1993 executed by G.R.Subramanian annexed.

2. The petitioner is the wife of the legatee under the said Will. In fact, O.P No.368 of 2013 was filed by the legatee, who is the brother of the deceased testator G.R.Subramanian by name G.Krishnan for grant of Letters of Administration. Pending the said original petition, the said G.Krishnan passed away on 12.02.2011 and subsequently, the original petition came to be

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dismissed as abated.

3. When an attempt was made to revive the original petition, this Court granted liberty to file a fresh original petition by order dated 21.9.2016, pursuant to which, the present original petition has been filed. The first respondent is the daughter of the deceased testator, G.R.Subramanian. Respondents 2, 3 and 4 are the class I legal heirs of the predeceased son Gopal who died on 26.10.1983. The respondents 5 and 6 are the daughters of the petitioner and the legatee, G.Krishnan.

4. The Original Petition is uncontested and none of the respondents have come forward to object for grant of Letters of Administration. In fact, the respondents 5 and 6 have filed their consent affidavits expressing their no objection for grant in favour of the petitioner as prayed for.

5. Respondents 1 to 4, despite service of notice, have not chosen to appear to either consent or object to the grant.

6. Mr.K.V.Babu, learned counsel for the petitioner states that even the earlier original petition filed by the legatee G.Krishnan, was only in respect of the photocopy of the Will, since the Original Will and its whereabouts are not known to the husband of the petitioner late G.Krishnan. However, subsequently,

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after liberty being granted by this Court, the present original petition has also been filed only seeking Letters of Administration with copy of the Will, since the original continues to be unavailable and admittedly, not in the custody of the petitioner.

7. The provisions of the Indian Succession Act permit grant of Letters of Administration even in cases where the Original Will or testamentary instrument is lost or even destroyed. Therefore, there is no bar for the petitioner to rely on a copy of the Will.

8. In the light of the above, I do not see any merit in the objections that were raised by the learned Master, while recording evidence, by not permitting the copy of the Will to be marked in evidence. In any event, since I am not sending any of the matters to the Master for recording evidence, independently, I have gone through the records and I find that the original petition for grant of Letters of Administration has been filed pursuant to liberty granted by this Court on 21.09.2016.

9. The petitioner is the wife of the legatee under the last Will and Testament dated 06.10.1993 executed by G.R.Subramanian. There is no objection to such grant by the Class-I legal heirs of the deceased G.R.Subramanian. The general paper publication as required under the

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provisions of the Indian Succession Act has already been effected.

10. The attesting witness, one K.Subramanian who is none other than the husband of the first respondent, Uma Subramanian, the daughter of the deceased testator G.R.Subramanian. He has filed an affidavit dated 11.08.2018 where he has admitted to the fact that he has attested the Will and has in fact, prosecuted the Original Petition as power agent of the present petitioner Mrs.Latha Krishnan.

11. In the light of the above, I am satisfied that the petitioner has proved due execution and attestation of the Will as mandated under Section 63(c) of the Succession Act read with Section 67 of the BNS 2023 (Section 68 of the Evidence Act, 1872).

12. Mr.K.V.Babu, learned counsel for the petitioner, at this juncture, brought to my notice that the petitioner is a permanent resident of Canada and she is aged over 80 years and it would not be physically and practically possible for her to come down to India for the purpose of the execution of the bond before the Assistant Registrar, Original Side of this Court.

13. The petitioner shall be permitted to execute a bond through either the respondent 5 or 6, who are none else than the daughters of the petitioner. For such purposes, the petitioners shall execute a notarised Power of Attorney.

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P.B.BALAJI, J.

SR

14. Accordingly, the Original Petition is ordered. Issue Letters of Administration in favour of the respondents 5 or 6 and they are directed to duly administer the properties and credits of the deceased more fully described in the schedule and they are also directed to 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 within a period of eight weeks from the date of receipt of a copy of this order and they are further directed to render true and correct accounts once in six months.

A.No.4596 of 2026 is dismissed as unnecessary.

30-10-2026

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

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