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OP No. 778 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No. 778 of 2021

1. Lavanya

W/o.Mr.Jai Balaji, No.3A,
Krishnalayam Apartment, 4th Street,
VOC Nagar, Anna Nagar East,
Chennai - 600 102.

Petitioner(s)

Vs

1. J.Deenadayalan (Deceased) AND 5
OTHERS

S/o.Late V.T.Jayarama Mudaliar, 2/1,
1st Lane, Vasantha Garden,
Ayanavaram, Chennai - 600 023.

2.S.Ramani @ Ramani Bai

W/o.Late Sambandam, 10/17, Patel
Street, Razack Garden, Arumbakkam,
Chennai - 600 106.

3.Vasupradha

W/o.Mr.Venkatesh, 10/17, Patel Street,
Razack Garden, Arumbakkam, Chennai
- 600 106.



4.Kalyani Deenadayalan

W/o.Deenadayalan,

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5.A.Anitha

D/o.Deenadayalan,

6.S.Priyadharsini

D/o.Deenadayalan, Respondent 4 to 6

residing at No.2/1, 1st Lane, Vasantha
Garden, Ayanavaram, Chennai - 600

023. (Respondent 4 to 6 brought on
record as legal heirs of the deceased 1st
respondent as per order dated
26.04.2023 in A.No.1922/2022 in
OP.No.778/2021)

Respondent(s)

OP No. 778 of 2021

PRAYER: Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act and Order XXV Rule 5 of Original Side Rules praying that this Hon'ble Court may be pleased to grant Letters of Administration with the Will annexed hereto to the petitioner as one of the legal heirs of late Mrs.P.Banumathi (legatee) who was the daughter of deceased Mrs.J.Indirani to whom the property has been bequeathed under the Will by the said Mrs.J.Indirani to have effect limited to the State of Tamil Nadu Gross Amount Rs.30,00,000/- and Net Amount Rs.29,98,000/- Suc.duty of 25,000/- paid on



31.01.2022 by e-C/F.

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For Petitioner(s): M/s.M.A.Lakshmipathi

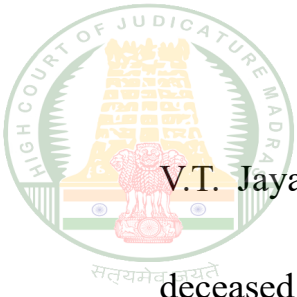
For Respondent(s): R1- Died
R2 to R6 - Notice served – no
appearance.

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 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 petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P7 were marked.

3. According to the petitioner, one Mrs. J.Indirani W/o. Late V.T. Jayaraman, died on 05.05.2006 leaving behind her son Mr. J. Deenadayalan, daughters Mrs.Banumathy and Mrs. Ramani @ Ramani Bai and her husband



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V.T. Jayaraman predeceased her and her parents also predeceased her. The deceased Mrs. J. Indirani has executed her last Will and Testament dated 20.10.1994 bequeathing her property viz., Plot No.1/3, LIG-II at Maduravoyal Scheme comprised in T.S. No.170/1A (part) of Maduravoyal Village to an extent of 1000 sq. ft. in favour of her daughter Mrs. P. Bhanumathy W/o. Mr. R. Parasuraman, under a Will dated 20.10.1994. The said Mrs. P. Bhanumathy, who was the absolute owner of the said property, died on 03.08.2019 leaving behind her, the petitioner and the 3rd respondent as her surviving legal heirs. The husband of Mrs. P. Bhanumathy predeceased her. Therefore, the petitioner and the 3rd respondent are alone entitled to the above said property. The amount of assets which are likely to come into the hands of the petitioner is approximately Rs.30,00,000/-. Except the petitioner and the respondents, there is no other next of kin to the deceased. The respondents 2 and 3 have given their consent for grant of letters of administration in favour of the petitioner. As the 1st respondent died, the respondents 4 to 6 have been impleaded. The respondents 4 to 6 never entered their appearance nor opposed this petition.



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4. The petitioner herein, was examined as PW1 and Ex.P.1 to Ex.P.7 were marked. She has reiterated the petition averments and further stated that the deceased executed a Will dated 20.10.1994 in the presence of the attesting witnesses.

5. The Will dated 20.10.1994 is a 30 years old Will, which was executed by the deceased Mrs. J. Indirani in the presence of two attesting witnesses. The original Will has been marked as Ex.P.1 by PW1. Since the Will is a 30 years old document and it has been produced from proper custody, a presumption under Section 90 of Indian Evidence Act is available. At this juncture, it is relevant to rely upon a judgment of Hon'ble Supreme Court in ***Marathal (died) and another vs. Kanniammal (died) and others reported in 2024 SCC Online Mad 5153*** where it has been held that "*....insofar as the "Will" is concerned, if attesting witnesses are available, then they should be examined in terms of Section 68 of Evidence Act, if the witness is not available, then route under Sections 69 to 71 is available to the proffounder, if the 'Will' is more than 30 years old and produced from proper custody, Section 90 is available to the*



Court to draw a presumption regarding its "due execution" and "attestation"

and if the 'Will' is more than 30 years old and produced from proper custody, it

is shown that the attesting witnesses are alive and not produced before the

Court, it may resort to presumption under Section 114 illustration (g) instead of

one under Section 90 of Evidence Act".

6. In this case, one Mrs. Selvarani, who is acquainted with the signature of one of the attestors has been examined as PW2. She has deposed that she knew the testatrix Mrs. J. Indirani as mother of her co-sister, the Testatrix had executed a Will dated 20.10.1994 and that her husband Mr. Tamilselvan has signed in the said Will as first attesting witness. She has also identified the signature of her husband, who signed as one of the attestors in the Will. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.7 revealed that the petitioner and the respondents are the legal heirs of the deceased and no any objection has been raised by any other party to grant letter of administration to the petitioner. Therefore, the petitioner, through the evidences and documents, have amply proved the execution of Will. Therefore, the petitioner is entitled to



the relief as prayed for in the petition.

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7. Therefore, this Original Petition is *allowed* and Letter of Administration, to the estates and credits of the deceased Mrs. J. Indirani in favour of the petitioner, is granted.

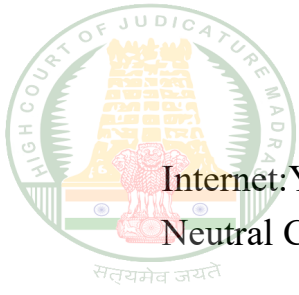
8. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a **security bond** for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** 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.

26-11-2025

Mjs

Index: Yes/No

Speaking/Non-speaking order



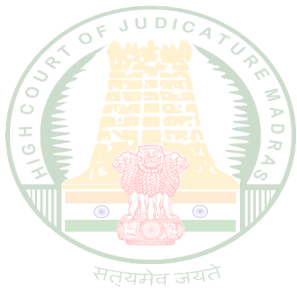
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Neutral Citation: Yes/No

WEB COPY

OP No. 778 of 2

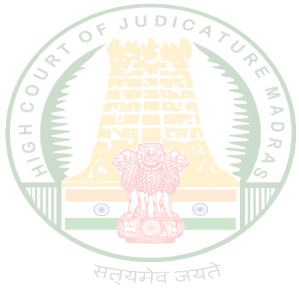


**APPENDIX:****List of Petitioner side Witnesses:**

PW1 : Mrs. Lavanya
PW2 : Mrs. Selvarani Tamilselvan

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	20.10.1994	Original Will executed by Mrs. J. Indirani registered as Doc. No.91/1994 in SRO, Virugambakkam.
Ex.P.2	03.03.2021	Original Death Certificate of Mrs. J. Indirani issued by Vellore City Municipal Corporation.
Ex.P.3	01.07.2019	Photocopy of Legal Heirship Certificate of Mrs. J. Indirani issued by Tahsildar, Vellore Taluk.
Ex.P.4.	28.08.2019	Online copy of Death Certificate of Mrs. P. Bhanumathy issued by Corporation of Chennai.
Ex.P.5	24.12.2019	Online Copy of Legal Heirship Certificate of Mrs. P. Bhanumathy issued by Tahsildar, Vellore Aminjikarai.
Ex.P.6	31.01.2002	Photocopy of the Sale Deed executed by TNHB in favour of Mrs. J. Indirani registered as Doc. No.438/2002 in SRO, Virugambakkam.
Ex.P.7	-	Photocopy of Aadhar Card of PW2.

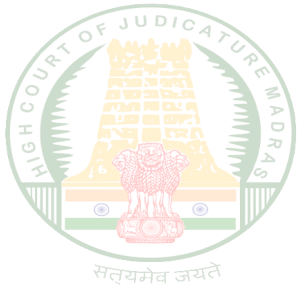


WEB COPY

OP No. 778 of 2



26.11.2025



WEB COPY

OP No. 778 of 2



P.DHANABAL J.
mjs

OP No. 778 of 2021

26-11-2025