



O.P. No. 509 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

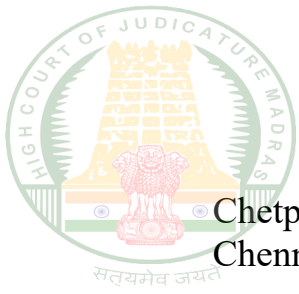
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M.P.Chandra Babu
S/o Late Mr. M.N. Padmanabha Naidu
3A Dakshin Apartment,
37 Venkataraman Street,
T- Nagar, Chennai- 600017.

..Petitioner(s)

Vs

1. Indira Vasu
W/o Late M.P. Hemadri Vasu
5/38, Marudhai Apartments 1A,
1st Floor, 13th Avenue, Harrington Road,
Chetpet,
Chennai- 600031.
2. Makani Hemadri
S/o Late M.P. Hemadri Vasu
No. 6, Palat Madhavan Road,
Mahalingapuram, Nungambakkam,
Chennai- 600034
3. Shoba Avula
D/o Late M.P. Hemadri Vasu
No. 10/2, First Avenue,
Harrington Road,
Chetpet,
Chennai- 600031.
4. Geetha Dodda
D/o. Late M.P.Hemadri Vasu,
5/38, Marudhai Apartments 1A,
1st Floor, 13th Avenue, Harrington Road,



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Chetpet,
Chennai 600 031.

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..Respondent(s)

PRAYER: That Letters of Administration to the entire properties to the estate of the deceased with the Will annexed may be granted to the petitioner as the beneficiary under the Will dated 01.06.1985 of the said deceased having effect throughout the State of Tamil Nadu. Gross amount of Rs.2,23,36,795/- and Net amount of Rs.2,23,36,795/-

For Petitioner(s): T.Hemalatha
R.Krishna

For Respondent(s): M/s.S.Rohith Kumar
S.Satheesh Raja
P.A.Samyuktha
For R1 To R4 - D.No.17797 To
17801/2026
Vak, Cons Aff Filed On 11.06.2026
Succession Duty Does Not Arise
Mr. E.Reegan Amara Sekaran - Advocate
Commissioner

ORDER

This Original Petition has been filed under Sections 232(c) and 258 of the Indian Succession Act, 1925, seeking the grant of Letters of Administration with the Will annexed in respect of the unadministered estate of the late Jeevamma, alias Padmavathamma.



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2. The petitioner, M.P. Chandra Babu, is the son of the deceased testatrix. The first respondent is the widow of the petitioner's deceased brother, M.P. Hemadri Vasu, and respondents 2 to 4 are his children. Accordingly, the respondents represent the branch of the deceased beneficiary, M.P. Hemadri Vasu.

3. The petitioner states that Jeevamma, alias Padmavathamma, died on 06.03.1988 in Chennai, leaving a Will dated 01.06.1985. Under the Will, her sons, namely M.P. Purushotham, M.P. Hemadri Vasu and the petitioner, were beneficiaries. M.P. Purushotham was appointed as the executor.

4. The executor, M.P. Purushotham, instituted O.P. No. 652 of 2022 for probate of the Will. By order dated 21.04.2023, this Court held that the Will had been duly executed and granted probate. The respondents in that proceeding also filed consent affidavits. However, before probate could be extracted and the estate administered, M.P. Purushotham died on 17.01.2025. The petitioner has therefore sought Letters of Administration with the Will annexed to administer the unadministered estate.



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5. Notice was served on the respondents. They entered an appearance through counsel. No caveat or objection has been filed. On 17.06.2026, the learned counsel for the respondents has submitted before the learned Master that consent affidavits have been filed and hence, the learned Master has recorded that there is no oral evidence on their side and evidence completed and posted before this Court. The matter thereafter proceeded as an uncontested testamentary petition.

6. As the petitioner was about 95 years old, an Advocate Commissioner was appointed by order dated 20.04.2026 in A.No.1667 of 2026 to record his evidence at his residence. The petitioner was examined as P.W.1 on 22.04.2026. His proof affidavit was received as his examination-in-chief, and Exs.P1 to P6 were marked. The Advocate Commissioner's report was taken on record on 27.04.2026.

7. Ex.P1 is the certified copy of the Will dated 01.06.1985; Ex.P2 is the order dated 21.04.2023 in O.P.No.652 of 2022; Ex.P3 is the death certificate of M.P. Purushotham; Ex.P4 is the petitioner's Aadhaar card; Ex.P5 is the guideline value for the scheduled properties; and Ex.P6 series comprises electricity, water-tax and property-tax receipts for those properties. The net value of the estate is stated at Rs. 2,23,36,795/-.



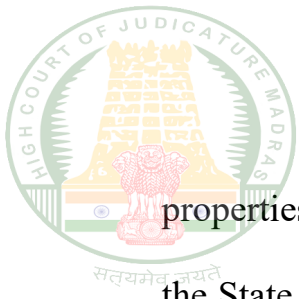
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8. The Will has already been proved in O.P. No. 652 of 2022, and probate was ordered on 21.04.2023. That adjudication has attained finality. The executor named in the Will died before completing the administration of the estate. Section 258 of the Indian Succession Act permits a further grant where the grantee dies before fully administering the estate. As the executor is no longer available and the petitioner is a beneficiary under the Will, the petitioner is entitled to Letters of Administration with the Will annexed in respect of the unadministered portion of the estate.

9. Accordingly, this Original Petition is allowed. The petitioner is appointed under Section 258 of the Indian Succession Act, 1925, as the representative to administer the estate of the testatrix, which remains unadministered following the death of the executor, M.P. Purushotham.

10. Letters of Administration with the Will dated 01.06.1985 annexed shall be issued to the petitioner, limited to the unadministered estate comprising the



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properties described in the schedule to the petition, and having effect throughout the State of Tamil Nadu; The petitioner is directed to execute a security bond for a sum of Rs.25,000/ (Rupees Twenty five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court.

11. The petitioner shall duly administer the estate in accordance with the Will, file a true and full inventory of the estate and credits within six months of the date of grant, and render a true and correct account of the administration within one year thereafter, as required by law. No order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AY

List of Witnesses examined on the side of the petitioner:

PW1 – Mr.M.P.Chandra Babu

List of Documents marked on the side of the petitioner:

Ex.P.1 is the ceritifed copy of the Will dated 01.06.1985 belongs to deceased Jeevamma alias Padmavathamma.

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Ex.P.2 is copy of the probate order passed in O.P.No.652 of 2022 dated 21.04.2023 (compared with the certified copy)

Ex.P.3 is downloaded copy of death certificate belongs to Purushothaman M.P. dated 17.01.2025.

Ex.P.4 is the copy of Aadhar card of the petitioner (compared with the original).

Ex.P.5 is the downloaded copy of the guideline value relating to the scheduled property.

Ex.P.6 is the downloaded copy of the water tax receipts, property tax receipts and EB receipts (in the six series) in respect of the scheduled properties.

List of Witnesses examined on the side of the respondents: Nil

List of Documents marked on the side of the respondents: Nil

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DR.A.D.MARIA CLETE, J.

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