

O.P. No. 415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

O.P. No. 415 of 2024

R.Panneerselvam

... Petitioner

Vs.

1.M.Arun Mozhi

2.R.Vijayakumar

3.Tamilselvi

4.Vasuki

... Respondents

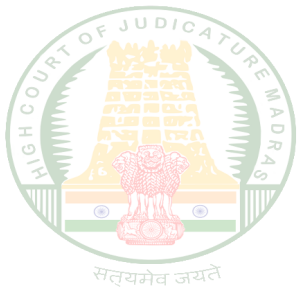
PRAYER: Original Petition is filed under Sections 232 and 276 of the Indian Succession Act, 39 of 1925 and Order XXV, Rule 5 of Original Side Rules, prays to grant letters of administration with the Will to him as the legal heir of beneficiary under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : Mr. B.Govindaprabu

For Respondents : Mr. M.Gopalakrishnan

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 27.03.1982 executed by Late Mrs.Rangammal, who died on 05.07.1982.



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2. The petitioner submits that he along with the respondents 1 to 4, are the only legal heirs of Late.Mrs.R.Devaki, who is the daughter of the testatrix. The petitioner also states that the testatrix Mrs.Rangammal was the absolute owner of the immovable property mentioned in the schedule of the petition. The petitioner further submits that the testatrix before her death had executed a Will on 27.03.1982 in which she had bequeathed the immovable property described morefully in schedule of the petition in favour of her daughter Mrs.R.Devaki. The above said Mrs.R.Devaki died on 31.03.2006, leaving behind the petitioner and the respondents 1 to 4 as her only legal heirs. Therefore the petitioner as the son and one of the legal heir of Late Mrs.R.Devaki, who is the sole beneficiary named in the Will dated 27.03.1982 executed by the testatrix, seeks the issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court

3. The petitioner was examined as PW1 and he had produced 8 documents to support his depositions which are listed as Ex.P1 to Ex.P8 at the foot of the order. He had produced the Certified copy of the original Will dated 27.03.1982 as Ex.P2. The online copy of the death certificates of the testatrix and her daughter Mrs.R.Devaki as Ex.P8 and Ex.P7

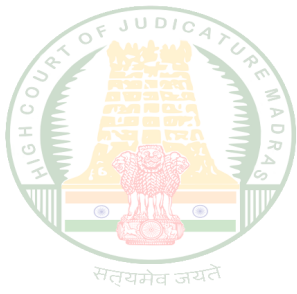


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respectively. The online copy of the legal heirship certificate of Mrs.R.Devaki has been marked as Ex.P6. The perusal of Ex.P2 clearly substantiates the claims made in the petition that Late Mrs.R.Devaki, who is the daughter of the testatrix, is the sole beneficiary named in the Will executed by the testatrix. On the perusal of the Ex.P6 it can be seen that the petitioner along with the respondents 1 to 4 are the only legal heirs of Late Mrs.R.Devaki, who is the sole beneficiary of the Will. The general paper publications has been recorded as effected *vide* order dated 01.04.2025 and no objections have been received for the same.

4. The petitioner has examined Mr.R.Vijayakumar who is the second attesting witness to the said Will as PW2. She has spoken about the execution of the Will by the testatrix and its attestation by him along with the other attesting witness.

5. The respondents 1 to 4 have expressed their consent to grant the Letters of Administration in favour of the petitioner and their respective consent affidavits have been filed along with the petition. The learned counsel for the respondents 1 to 4 has appeared on behalf of them and had reiterated their respective consent affidavits.



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6. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are entitled to the relief

7. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioner, in respect of the Will dated 27.03.1982 of the testatrix Late.Mrs.Rangammal. 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. The petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Index :Yes/No

Neutral Citations: Yes/ No

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List of witnesses examined on the side of the petitioner:

PW1- Mr. R.Panneerselvam

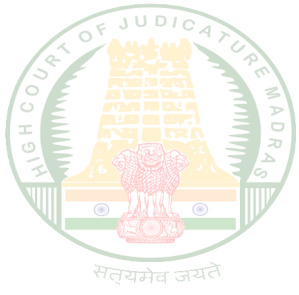
PW2-Mr. R. Vijayakumar

List of documents marked on the side of the petitioner:

Ex.P1	Photocopy of the Decree and Judgment made by this Court in Appeal No.550 of 1977 dated 13.08.1981.
Ex.P2	Certified copy of the Will dated 27.03.1982.
Ex.P3	Online copy of the extract of permanent land reister dated 31.08.2023.
Ex.P4	Photocopy of the death certificate of Devaki (date of death 30.12.2016) document dated 31.03.2006
Ex.P5	Online copy of the death certificate of R.Mohan Kumar (date of death 31.01.2017) document dated 20.11.2023.
Ex.P6	Online copy of the legal heirship certificate dated 07.02.2020.
Ex.P7	Online copy of the death certificate of R.Devaki (date of death 31.03.2007) document dated 17.04.2025.
Ex.P8	Online copy of the death certificate of Rangammal (date of death 05.07.1982) document dated 05.06.2025.

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