

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.608 of 2018

Mrs.M.Ezhil

... Petitioner

Vs.

1.Mrs.G.Kanchana

2.Mrs.M.Geetha

3.Mrs.M.Vanathi

4.Mr.M.Vendhan

...Respondents

Prayer: Original Petition filed under Section 232 and 276 of the Indian Succession Act praying that she may be allowed the Letters of Administration with Will annexed be granted as daughter, beneficiary of Legatee property, credits bequeathed hereunder under the Will of the said deceased having effect throughout the State of Tamil Nadu may be granted to her.

For Petitioner: Dr.R.Meenakshi Sundaram

ORDER

This petition has been filed seeking grant of Letters of Administration with the Will annexed for the property and credits of

Dr.D.Gnanaprakasam who died on 10.01.2012, leaving behind the

petitioner/daughter, 1st respondent/widow , 2nd respondent/daughter in law (wife of the deceased son)and respondents 3 and 4 grand children through son.

2.It is the case of the petitioner that the deceased has left behind the Will dated 14.07.2009 under which he has bequeathed his properties to his daughter, the petitioner. The other legal heirs viz., the widow as well as wife and children of the deceased son have filed consent affidavits expressing their no objection for grant of Letters of Administration with the Will annexed in favour of the petitioner. The said affidavits are marked as Ex.R.1 to Ex.R.4.

3.The petitioner has been examined as PW1. She has produced the Will, the Death Certificate of the testator Gnanaprakasam, the Death Certificate of her brother G.Muhilan and Legal Heirship Certificate of Dr.D.Gnanaprakasam as Ex.P.1 to Ex.P.4. Ex.P.5 is the Legal Heirship Certificate of G.Muhilan who died after the testator. Dr.K.Balasundaran who is the attesting witness to the Will has been examined as PW2. He has tendered evidence regarding the execution of the will by the testator and its attestation by himself and one Mr.P.Duraisamy, the other attesting witness.

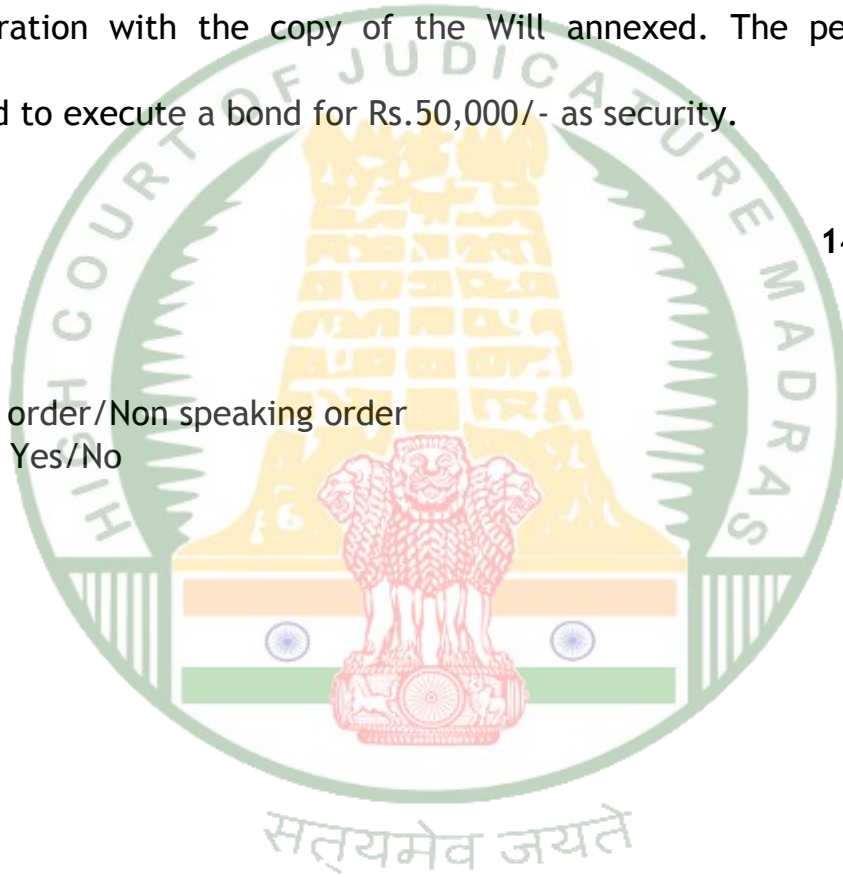
4. In view of the above evidence, I am satisfied that the petitioner has established the due execution of the Will dated 14.07.2009. This Original Petition is allowed granting Letters of Administration with the copy of the Will annexed. The petitioner is directed to execute a bond for Rs.50,000/- as security.

14.02.2019

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Speaking order/Non speaking order

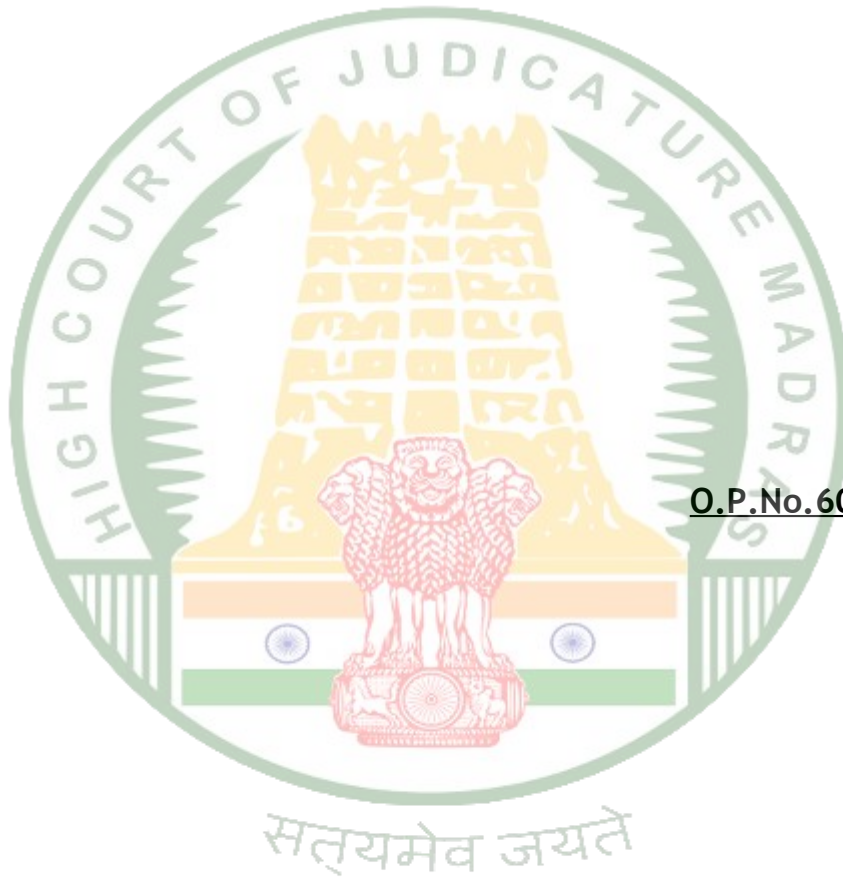
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R.SUBRAMANIAN.J.,

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