



O.P.No.410 of 2020

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ABDUL QUDDHOSE, J.

This Petition has been filed seeking for grant of letters of administration with Will annexed.

2. The petitioner is the daughter-in-law of the testator K.Amirthalingam (deceased) who died on 20.04.2000 leaving behind the Will dated 03.02.1995 under which Jawaharmani, the petitioner's husband who is the son of the testator is the beneficiary and the said Jawaharmani also died on 22.07.2017.

3. K.Amirthalingam, the testator had four daughters and two sons. K.A.Maniammal, the wife of the testator also predeceased him. Out of the two sons namely K.A.Jothimani and K.A.Jawaharmani, K.A.Jothimani is the first respondent and K.A.Jawaharwani is dead. Out of the four daughters, one daughter namely K.A.Selvamani died issueless, two daughters namely K.A.Kalamani and K.A.Gnanamani died as spinsters and one daughter namely M.V.Punithamani also died leaving behind her only daughter, the second respondent herein. Since K.A.Jawaharmani, the beneficiary under the subject Will died, his wife who is his



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only legal heir has filed this petition seeking for grant of letters of administration in her favour for the subject Will executed by K.Amirthalingam (testator).

4. Before the learned Master, the petitioner was examined as PW1. In her deposition, she has reiterated the contents of the petition filed in support of O.P.No.410 of 2020. Through PW1, the following documents were marked as exhibits:

<i>Exhibits</i>	<i>Nature of Documents</i>
P1	Original Will dated 03.02.1995 executed by K.Amirthalingam
P2	Computer generated death certificate of K.Amirthalingam who died on 20.04.2000
P3	Photocopy of the settlement deed dated 05.05.1939
P4	Photocopy of the release deed dated 30.09.1939
P5	Computer generated extract from the town survey land register dated 05.11.2019
P6	Computer generated death certificate of K.A.Maniammal who died on 28.04.1994
P7	Computer generated death certificate of K.A.Selvamani who died on 24.12.2004
P8	Computer generated death certificate of M.V.Punithamani who died on 06.01.2005
P9	Computer generated death certificate of K.A.Kalamani who died on 04.07.2008
P10	Computer generated death certificate of K.A.Gnanamani who died on 11.02.2016
P11	Computer generated death certificate of K.A.Jawaharmani who died on 22.07.2017



Exhibits	Nature of Documents
P12	Photocopy of the legal heirship certificate dated 30.05.2000 in respect of K.Amirthalingam
P13	Computer generated legal heirship certificate dated 07.11.2018 in respect of K.A.Jawaharmani
P14	Photocopy of petitioner's Aadhaar card bearing No.4001 3001 8226
P15	Photocopy of the Aadhaar card of A.Jothymani bearing No.9690 2635 0706
P16	Photocopy of the Aadhaar card of M.Hemalatha bearing No.9674 8896 8200
P17	Consent affidavit given by the 1 st respondent
P18	Consent affidavit given by the 2 nd respondent
P19	Affidavit of assets showing the net value of the estate as Rs.25,00,000/-
P20	Paper publication effected in one issue of Tamil daily "Mukkal Kural" dated 09.03.2021.
P21	Paper publication effected in one issue of English daily "Trinity Mirror" dated 16.03.2021

5. Under the subject Will, there are two attesting witnesses namely Samuel Raglano Francis and P.L.Poulose. Out of them, P.L.Poulose was examined as PW2. In his deposition, he has deposed that the testator K.Amirthalingam is his family friend. He has also deposed that K.Amirthalingam (testator) had executed the subject Will dated 03.02.1995 (Ex.P1) only in his presence and in the presence of Samuel Raglano Francis, the other attesting witness. He has also deposed that Mr.K.Amirthalingam is the father of Jawaharmani who is the husband of the



petitioner. He has also deposed that the petitioner has no issues out of the wedlock with K.Jawaharmani. He has also deposed that only in his presence K.Amirthalingam (testator) signed the subject Will. He also deposed that at the time of execution of the Will, K.Amirthalingam was in a sound and disposing state of mind. In support of his deposition, he has also filed a proof affidavit before the learned Master which has been marked as Ex.P22.

6. As seen from the evidence available on record, it is clear that K.Amirthalingam (testator) executed the Will dated 03.02.1995 (Ex.P1) in which the petitioner's husband, late K.Jawaharmani was the beneficiary and there are two attesting witnesses namely Samuel Raglano Francis and P.L.Poulose in the said Will. The husband of the petitioner K.Jawaharmani who is the beneficiary under the Will also died on 22.07.2017 as seen from his death certificate marked as Ex.P11.

7. The death certificate of K.Amirthalingam Ex.P2 reveals that K.Amirthalingam was dead on 20.04.2000. It is seen from the record that K.Amirdhalingan had four daughters and two sons. As seen from Ex.P6, the death



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certificate of K.A.Maniammal, the wife of the testator predeceased him on 28.04.1994. The four daughters namely K.A.Selvamani died on 24.12.2004, M.V.Punithamani died on 06.01.2005, K.A.Kalamani died on 04.07.2008 and K.A.Gnanamani died on 11.02.2016 as evidenced from Ex.P7 to Ex.P10. Out of his two sons, K.A.Jawaharmani who is the beneficiary under the Will also died on 22.07.2017 as evidenced from Ex.P11 and the plaintiff is the only legal heir of the deceased K.A.Jawaharmani as evidenced from Ex.P13, legal heirship certificate of K.A.Jawaharmani. Both the respondents namely K.A.Jothimani, the son and M.Hemalatha, the grand-daughter of K.Amirthalingam have given their consent for grant of letters of administration in favour of the petitioner by filing separate consent affidavits before the learned Master which have been marked as Ex.P17 & Ex.P18.

8. Paper publications have also been effected with regard to the subject matter of O.P.No.410 of 2020 in one issue of Tamil daily “Makkal Kural” dated 09.03.2021 marked as Ex.P20 and in one issue of English daily “Trinity Mirror” dated 16.03.2021 marked as Ex.P21. P.L.Poulose, the attesting witness has also filed his affidavit which has been marked as Ex.P22 stating that he is the family



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friend of K.Amirthalingam and K.Amirthalingam had executed and signed the

Will only in his presence and in the presence of other attesting witness, Samuel Raglano Francis in a sound and disposing state of mind.

9. After giving due consideration to the pleadings and the evidence available on record, this Court is inclined to grant letters of administration in favour of the petitioner as prayed for in this Original Petition as the Will is proved by the petitioner. Accordingly, this Original Petition is allowed as prayed for.

10. Registry is directed to issue Letters of Administration in favour of the petitioner having effect limited to the Union of India. As undertaken by the petitioner, the petitioner is directed to duly administer the properties and credits of the deceased in any way concerning his Will by paying first his debts and then the legacies therein bequeathed, so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration with the Will annexed to the petition. 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



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Registrar (O.S.-II), High Court, Madras. As undertaken by the petitioner, the petitioner is directed to render this Court a true and correct account within one year from the date of grant of Letters of Administration.

16.12.2021

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