



WEB COPY



O.P.No.112 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.112 of 2022

Tmt.Chitra Saraswathi
W/o.Sankara Thanu Azhakesan
No.3, Velayutham Street,
Puzhuthivakkam,
Madipakkam,
Chennai-600 091.

... Petitioner

PRAYER: Original Petition filed for issuance of Letters of Administration under Sections 232 and 276 of Indian Succession Act read with Order XXV Rule 5 of Original Side Rules, prays to grant that Letters of Administration with the WILL annexed may be granted to her as the daughter/beneficiary under the Last WILL of the said deceased having effect throughout the state of Tamil Nadu.

For Petitioner : Mr.M.Balasubramanian

ORDER

The petitioner seeks the grant of letters of administration with the Will annexed in relation to the last Will and testament of the late Lakshmi, the mother of the petitioner.



O.P.No.112 of 2022

2. The petitioner states that her late mother executed a Will on 05.12.2001. The said Will was registered as document No.275 of 2001 before the District Registrar, Kanyakumari. Under the Will, a bequest of an immovable property at Alwarpet, Chennai was made in favour of the petitioner. Since no executor was named under the Will, this petition is presented by the beneficiary.

3. In order to prove the Will, evidence was adduced by the petitioner. The petitioner was examined as PW1. In course of the examination-in-chief of the petitioner, the seven documents listed at the foot of this order were exhibited as Exs.P1 to P7. The original Will is on record (Ex.P1). This document discloses that the property mentioned in the schedule therein was bequeathed in favour of the petitioner. The Will was executed in the presence of two witnesses, namely, P.Gopalan and M.C.Pillai. The death certificate of the testatrix is on record as Ex.P2. This document discloses that she died on 02.04.2018. The legal heirship certificate in relation to the late Mrs.Lakshmi is also on record. This document discloses that her husband P.Gopalan and the petitioner were the surviving Class I legal heirs.



O.P.No.112 of 2022

4. The father of the petitioner, who was one of the attesting witnesses, was examined as PW2. He deposed that the Will was executed by his wife in the presence of both the attesting witnesses. He further deposed that she was in a sound and disposing state of mind at the time of execution of the Will.

5. Based on the assertions in the petition and evidence adduced in support thereof, the petitioner is entitled to the relief prayed for. Consequently O.P.No.112 of 2022 is allowed by granting letters of administration with the Will annexed to the petitioner in respect of the last Will and testament dated 05.12.2001 of Mrs.Lakshmi. The petitioner shall execute a security bond for a sum of Rs.25,000/- in the name of the Assistant Registrar (OS). The petitioner shall provide an inventory of assets and statement of accounts within a period of six months and one year, respectively.

21.12.2022

Index : Yes

kal

3/5



O.P.No.112 of 2022

Petitioner's witness:

P.W.1 – Mrs.Chitra Saraswathi

P.W.2 – Mr.P.Gopalan

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The original Will dated 05.12.2001 executed by Mrs.Lakshmi.
Ex.P2	The computer generated death certificate of Mrs.N.Lakshmi Gopalan.
Ex.P3	The photocopy of the Legal Heirship Certificate of Mr.Lakshmi Gopalan (Compared with the original)
Ex.P4	The computer generated encumbrance certificate for the petition schedule property dated 01.08.2019 for the period 15.07.1983 to 30.07.2019.
Ex.P5	The affidavit of assets showing the net value of the estate as Rs.9,75,000/-.
Ex.P6	The copy of paper publication effected in one issue of Tamil daily “Dina Kural” dated 12.10.2022.
Ex.P7	The copy of paper publication effected in one issue of English daily “Southern Mail” dated 20.10.2022.

21.12.2022



WEB COPY



O.P.No.112 of 2022

SENTHILKUMAR RAMAMOORTHY,J

kal

O.P.No.112 of 2022

21.12.2022