

**O.P.No. 475 of 2021**

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C.V.KARTHIKEYAN, J.

This Petition has been filed seeking grant of Letters of Administration with Will annexed with respect to the Will dated 25.04.2016 and registered as Document No. 28 of 2016 in the office of the Sub Registrar, Periamet executed by S.Suryiyakala, who died on 30.01.2018. Her husband Shankar had died on 16.07.1975. They have one son Dhanapal, who died on 21.10.2007. The petitioners and the respondents are therefore class-II heirs.

2. The respondents had not appeared before the Court. It is stated that the first and second respondents had refused to receive the notice and the third, fifth and sixth respondents had been served but they did not engage any counsel to be represented before this Court and notice issued to the fourth respondent was returned as intimation delivered and therefore, paper publication had been effected. These notings were made by the Master and it was recorded that service on the respondents had been completed.

3. The petitioners were then directed to tender evidence. Accordingly, the first petitioner examined himself as PW-1. The Will



dated 25.04.2016 was marked as Ex.P-1. The death certificate of K.Suriyakala was marked as Ex.P-4 and the death certificate of her husband K.Shankar was marked s Ex.P-5 and the death certificate of their son S.Dhanapal was marked as Ex.P-6. The legal heirship certificate of Shankar was marked as Ex.P-7. Thereafter, V.Govindarajan was examined as PW-2 and he was one of the attesting witness. He affirmed the Will Ex.P-1 and also affirmed his signature. He also stated that Suriyakala was in a sound and disposing state of mind at the time of execution of Ex.P-1.

4. In view of the fact stated by the petitioners and particularly because the respondents had taken a conscious decision not to appear before this Court, this Original Petition stands allowed as follows:-

(a) the letters of administration shall be issued in favour of the petitioners in respect of the properties mentioned in the petition.

(b) The petitioners are directed to duly administer the said properties of the deceased.



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(c) The petitioners are also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S-II), High Court, Madras.

(d) The petitioners are further directed to render true and correct accounts once in a year.

29.09.2022

Index:Yes/No
Internet :Yes/No
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