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O.P.No.457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.457 of 2022

M.Sasikumar
Adopted son of Late Thiru. .Ramachandran
Natural son of Late.Sankaran
No.8/24, Duraisamy Naicken Street,
Ayanawaram,
Chennai-600 023.

... Petitioner

PRAYER: Original Petition filed for issuance of Letters of Administration of a Will under Sections 232 and 276 of Indian Succession Act XXXIX of 1925 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 Petitioner as the adopted son / legatee and beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu and thus render justice.

For Petitioner : Mr.M.Sriram



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ORDER

WEB COPY The petitioner seeks grant of letters of administration with the Will annexed in respect of the last Will and testament of the late V.Ramachandran.

2. The petitioner asserts that he is the legally adopted son of the late V.Ramachandran and his wife, Tmt.R.Parameshwari. It is stated that the late V.Ramachandran executed a registered Will on 16.08.2019 in the presence of the two witnesses, who attested the said Will. As per the Will, it is stated that the property described in the schedule to this petition was bequeathed in favour of the petitioner.

3. In order to establish the entitlement to the relief prayed for, the petitioner adduced evidence by examining three witnesses. The petitioner was examined as PW1. In course of the examination-in-chief of PW1, the 10 documents listed at the foot of this order were exhibited as Exs.P1 to P10. The original registered Will dated 16.08.2019 was exhibited as Ex.P4. This document discloses that the property described in the schedule to the



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petition was bequeathed to the petitioner. The death certificate of the testator discloses that he died on 07.05.2021. The registered adoption deed is on record. This document was executed on 08.08.2019 and evidences that the petitioner was duly adopted by the deceased and his wife. The registered settlement deed under which the testator acquired title to the property is also on record (Ex.P1).

4. The petitioner examined the two attesting witnesses as PW2 and PW3. Both PW2 and PW3 deposed that they knew the testator from childhood/school days. Apart from identifying the signature of the testator, they also deposed that the testator 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 the evidence adduced in respect thereof, the petitioner is entitled to succeed. Consequently, O.P.No.457 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 16.08.2019. The petitioner shall execute a security bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (O.S) of this Court. The petitioner shall 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

Petitioner's witness:

P.W.1 – Mr.M.Sasikumar

P.W.2 – Mr.Senthil Kumar

P.W.3 – Mr.Subash

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The photocopy of the registered Settlement Deed dated 16.10.1975 (Compared with the original)
Ex.P2	The photocopy of the Family Card of Mr.V.Ramachandran for the period 2005-2009 (Compared with the original)
Ex.P3	The certified copy of the registered Adoption Deed dated 08.08.2019 (Compared with the original)
Ex.P4	The original registered Will dated 16.08.2019 executed by



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<i>Exhibit No.</i>	<i>Description</i>
	Mr.V.Ramachandran.
Ex.P5	The computer generated death certificate of Mrs.R.Parameshwari.
Ex.P6	The computer generated death certificate of Mr.V.Ramachandran.
Ex.P7	The computer generated Legal Heirship Certificate of Mr.V.Ramachandran.
Ex.P8	The affidavit of assets showing the net value of the estate as Rs.2,20,10,000/-.
Ex.P9	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 19.10.2022.
Ex.P10	The copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 26.10.2022.

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