



O.P.No.720 of 2021

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KRISHNAN RAMASAMY.J.

This petition has been filed under Order XXV Rule 5 of the Rules of High Court, Madras Original Side 1956 and under Section 232 & 276 of the Indian Succession Act, seeking the grant of Letters of Administration.

2. The case of the petitioners is that the petitioners' father Mr.C.H.Ramamurthy, Testator herein, executed the Last Will and Testament dated 20.03.1997 and the same was registered as Document No.13 of 1997 on the file of Sub-Registrar, Sowcarpet. Subsequent to the execution of the Will, the Testator died on 09.06.2020 leaving behind the petitioners, respondents and their predeceased mother as his legal heirs. The petitioners filed legal heir certificate of the Testator and the said certificate is marked as Ex.P3. As per Ex.P3, the petitioners, respondents and their predeceased mother are the legal heirs of the Testator, and as per the Will, only the petitioners are the beneficiaries. Hence, they sought for grant of Letters of Administration to them.



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3. Though notice has been served on the respondents, none appeared for the respondents. Hence, this Court is inclined to proceed further with the matter.

4. In order to prove the petitioners' case, the 1st petitioner was examined as PW1 and filed his proof affidavit and marked the following documents as Exs.P1 to P10 :

Ex.P1 is the computer generated death certificate of C.H.Ramamurthy.

Ex.P2 is the computer generated death certificate of C.H.Chenchu Lakshmi.

Ex.P3 is the computer generated legal heirship certificate dated 24.08.2021 in respect of Ramamurthy.

Ex.P4 is the photocopy of sale deed dated 05.05.1973 in favour of C.H.Ramamurthy (Compared with the original).

Ex.P5 is the photocopy of sale deed dated 02.06.2004 in favour of C.H.Ramamurthy (Compared with the original)

Ex.P6 is the photocopy of sale deed dated 30.04.1988 in favour of C.H.Ramamurthy (Compared with the original)



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Ex.P7 is the original Will dated 20.03.1997 executed by C.H.Ramamurthy.

Ex.P8 is the Affidavit of Assets showing the net value of the Estate as Rs.6,00,00,000/-.

Ex.P9 is the copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 08.05.2022.

Ex.P10 is the copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 15.05.2022.

5. One of the attesting witnesses Mr.P.V.Ramanaiah was also examined on the side of the petitioners as PW2, and during his chief examination, he has confirmed the execution of the Will and Signature of the Testator Mr.C.H.Ramamurthy, and he was also present at the time of execution of the Will by the Testator along with his friend Brhamaiah, who had signed in the Will as the second attester.

6. In view of the same, this Court is satisfied that the petitioners have proved the Will as per law, and they are entitled to the issuance of Letters of Administration.



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7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. 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. The petitioners are further directed to render true and correct accounts once in a year.

17.08.2022

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