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O.P.No.229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.229 of 2022

1.Mr.Annadata Kumar Chakravarthy
S/o.Venkata Subrahmanyam
No.15-378, Brundavanam,
Opp, To Tikkana Telephone Bhavan,
Nellore, Andhra Pradesh-524 001.

2.Ms. Annadata Shanmuk Pranavi
D/o.Annadata Kumar Chakravarthy
and late Annadata Ram Kusuma,
No.15-378, Brundavanam,
Opp, To Tikkana Telephone Bhavan,
Nellore, Andhra Pradesh-524 001.

... Petitioners

vs.

Mrs.Venkamamidi Nagamani
W/o.Late Samasiva Rao
7-3-23, Prakasam Street, Ramarao Peta,
Kakinana (Urban)
East Godavari,
Andhara Pradesh – 533 004.

... Respondent

PRAYER: Original Petition filed for issuance of Letters of Administration
under Sections 232 and 276 of Indian Succession Act XXXIX of 1925 read



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with Order XXV Rule 5 of Original Side Rules, prays to grant that Letters of Administration with the WILL annexed may be granted to them as the legal heirs of the deceased Mrs.Annadata Ram Kusuma as is the grand daughter of the deceased and beneficiary under the WILL of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Ms.G.Gokulavani

For Respondent : Mr.V.Karthikeyan

ORDER

The petitioners are the husband and daughter, respectively, of the beneficiary under the last Will and testament of Mrs.Bollapragada Satya Kusuma. Since the beneficiary passed away on 22.09.2017, the legal heirs of the beneficiary presented this petition for grant of letters of administration.

2. The petitioners assert that the above mentioned last Will and testament was executed on 20.04.2016 in the presence of the two witnesses,



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whose names appear at the foot of the Will, and that the Will was registered as document No.180 of 2016 in the office of the Sub Registrar, Kakinada.

3. It is stated that the testatrix died on 14.06.2016 and the beneficiary on 22.09.2017. On the ground that one of the assets bequeathed under the Will is within the jurisdiction of this Court, this petition was filed.

4. In order to establish entitlement to the relief prayed for, the first petitioner was examined as PW1. In course of the examination-in-chief of PW1, the 13 documents set out at the foot of this petition were exhibited as Exs.P1 to P13. A certified copy of the Will, in the Telugu Language, is on record as Ex.P1. The translation thereof is on record. The Will evidences execution on 20.04.2016 in the presence of V.Sambasivarao and V.Nagamani, who signed as attesting witnesses. The beneficiary under the Will is the testatrix's grand daughter Smt.Annadata Ram Kusuma. The death certificate of the testatrix is on record as Ex.P2. This document discloses that the testatrix died on 14.06.2016. The death certificate of the beneficiary is available. This document discloses that the beneficiary died on



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22.09.2017. The death certificate contains the name of the first petitioner as the husband of the beneficiary. The family member certificate, which is equivalent to a legal heirship certificate, in relation to the beneficiary is on record as Ex.P5. This document discloses the names of the two petitioners as the legal heirs of the beneficiary. Documents relating to the assets bequeathed under the Will are also placed on record as Exs.P7 to P9. The consent affidavit of the sole respondent is on record as Ex.P10. The sole respondent, who was also the second attesting witness to the Will, was examined as PW2. She deposed that the testatrix was her mother. She further deposed that the Will was executed in her presence and that the testatrix 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 support thereof, the petitioners are entitled to succeed. Consequently, O.P.No.229 of 2022 is allowed by granting letters of administration with the Will annexed to the petitioners herein in respect of the assets described in the schedule to the petition. The petitioners shall execute a security bond



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for a sum of Rs.25,000/- in the name of the Assistant Registrar (Original Side). The petitioners shall file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Petitioner's witness:

P.W.1 – Mr.Annadata Kumar Chakravarthy

P.W.2 – Mrs.Vankamamidi Nagamani

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The certified copy of the Will dated 20.04.2016 executed by Mrs.Bollapragada Satya Kusuma (Original is not produced and the same has been averred in the petition. Counsel for the petitioners insisted for marking of the certified copy of this document. This document is marked subject to its admissibility, proof and relevancy.)
Ex.P2	The computer generated death certificate of Mrs.Bollapragada Satya Kusuma.
Ex.P3	The computer generated Family Member Certificate of Mrs.Bollapragada Satya Kusuma
Ex.P4	The computer generated death certificate of A.Ram Kusuma.



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<i>Exhibit No.</i>	<i>Description</i>
Ex.P5	The computer generated Family Member Certificate of Annadata Ram Kusuma.
Ex.P6	The computer generated death certificate of Dr.Sambasivarao Vankamamidi.
Ex.P7	The photocopy of the Sale Deed dated 14.02.2005 (Compared with the original).
Ex.P8	The photocopy of the property tax demand card pertaining to the schedule mentioned property (Compared with the original)
Ex.P9	The photocopy of the Metro Water tax demand card pertaining to the schedule mentioned property (Compared with the original).
Ex.P10	The consent affidavit given by the respondent.
Ex.P11	The affidavit of assets showing the net value of the estate as Rs.1,25,92,700/-.
Ex.P12	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 14.08.2022.
Ex.P13	The copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 22.08.2022.

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