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O.P.No.537 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.537 of 2022

Dr.K.Sudarsan

... Petitioner

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act, 1925 r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with certified copy of the Will of the deceased annexed may be granted to him as the beneficiary under the Will of the deceased R.Chandrika Sreedharavarma.

For Petitioner : Mr.N.Sreenivasalu

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 19.06.2010 executed by late R.Chandrika Sreedharavarma, who died on 21.11.2016. The petitioner is a Psychiatrist doctor by profession and he is the beneficiary under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.



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2. The petitioner states that the testatrix out of her wedlock has begotten one son namely R.Vijaya Gopal, and he is mentally challenged right from his birth, the husband of the testatrix pre-deceased her. There are no legal heirs for the testatrix as they were single child in both the families in line of succession. The son of the testatrix namely R.Vijaya Gopal was under the treatment of this petitioner and he is now under the care and custody of this petitioner.

3. On perusal of the Will it is executed as that the R.Vijaya Gopal being the sole descendant of the testatrix the entire assets mentioned in the will shall be under the trusteeship of Dr.K.Sudarsan, and he shall act as the trustee of the assets mentioned in the Will and take care of the same and appropriate the earnings from them for the protection, welfare and treatment of the testatrix's son. After the death of the testatrix son the property shall devolve upon the petitioner absolutely.

4. The petitioner has been examined as P.W.1. He has produced the death certificate of the testatrix R.Chandrika Sreedharavarma, as Ex.P2. The Original Will dated 19.06.2010 has been produced as Ex.P1. A paper



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publication has been made and any objections have not been received.

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5. The petitioner has examined Mr.M.G.Ajaykumar, who is the first attestor to the said Will as P.W.2. One Mr.C.Ravindran who is the second attestor to the said Will has been examined as P.W.3. They have spoken about the execution of the Will by the testatrix and its attestation by them.

6. In view of the above said facts and evidence, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 19.06.2010 of the testatrix R.Chandrika Sreedharavarma. The petitioner is directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court. The petitioner is further directed to 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



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Speaking: Yes/ No

Neutral Citation: Yes/ No

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Petitioner's witness:

P.W.1 - Dr.K.Sudarsan

P.W.2 – Mr.M.G.Ajaykumar

P.W.3 – Mr.C.Ravindran

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Registered Will dated 19.06.2010 executed by Mrs.R.Chandrika Sreedharavarma along with English translation version of the Will
Ex.P2	Computer generated death certificate of Mrs.Chandrika Thamban along with original burial ground report
Ex.P3	Affidavit of assets showing the net value of the estate as Rs.36,30,000/-
Ex.P4	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 25.01.2023
Ex.P5	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 01.02.2023.
Ex.P6	Affidavit of attesting witness PW2
Ex.P7	Affidavit of attesting witness PW3

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