



O.P.No.343 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.343 of 2021

Sivakumar. R

... Petitioner

Vs

1.Jayanthi

2.Kalaiselvi

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with the Will of the deceased annexed may be granted to the petitioner as the son of the said deceased Rajan.

For Petitioner : Mr.C.Kanagarajan

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 05.09.2020 executed by late P.Rajan, who died on 28.09.2020. The petitioner is the son, first respondent



O.P.No.343 of 2021

is the wife and the second respondent is the daughter of the testator. The petitioner is the sole beneficiary under the said Will. The testator has not appointed any executor under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner has been examined as P.W.1. He has produced the death certificate of the testator P.Rajan as, Ex.P2. The Original unregistered Will dated 05.09.2020 has been marked as Ex.P1. The legal heirship certificate of the testator P.Rajan is marked as Ex.P5. A perusal of Ex.P5 shows that the petitioner and the respondents are the only Class-I legal heirs of the testator. Despite the notice served had duly received on the first respondent none has appeared on behalf of the respondent and any objections has been received from the respondent. The notice served on the second respondent was returned unserved stating “not found at the said address”. Pursuant to the general publication made no any objections have been received from the respondents herein or from any other person.

4. The petitioner has examined one Mr.G.Venkatesan, who is the second attesting witness to the said Will as P.W.2. He has spoken about the



O.P.No.343 of 2021

execution of the Will by the testator and its attestation by himself and

Mr.K.Saravanan.

5. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 05.09.2020 of the testator P.Rajan. 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.

28.04.2023

gba

Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioner's witness:

P.W.1 - Mr.R.Shivakumar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will and Testament dated 05.09.2020 executed by Mr.P.Rajan



O.P.No.343 of 2021

<i>Exhibits</i>	<i>Documents</i>
Ex.P2	Computer generated death certificate of Mr.Rajan
Ex.P3	Photocopy of the petitioner's Aadhar card
Ex.P4	Photocopy of the Sale Deed dated 09.06.1989 in favour of Mr.P.Rajan
Ex.P5	Computer generated legal heir certificate of Mr.Rajan
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.14,80,000/-
Ex.P7	Copy of paper publication effected in one issue of Tamil daily "Thikathir" dated 26.11.2022.
Ex.P8	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 07.12.2022

28.04.2023

gba



WEB COPY



O.P.No.343 of 2021

K.KUMARESH BABU,J.

gba

O.P.No.343 of 2021

28.04.2023