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O.P.No.892 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.892 of 2007

V.Kantha

... Petitioner

vs.

1.Mrs.L.Blasundarammal

2.Mrs.Kasthuri

... Respondents

PRAYER: Original Petition filed for Succession Certificate under Sections 232 and 276 of Indian Succession Act 1925 and Order XXV Rule 5 of the Madras High Court Original Side Rules, prays that the letters of administration with the Will annexed may be granted to her as a Legatee under the Will of the said deceased having effect limited to the State of Tamilnadu.

For Petitioner : Mr. Agilesh for
Mr.T.Dhanasekaran



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ORDER

The petitioner seeks issuance of letters of administration with the Will annexed in respect of the last Will and testament of her mother, the late Mrs.Kanakambujammal.

2. The petitioner asserts that her mother executed her last Will and testament on 28.04.1993 at Virugambakkam, Chennai. The testatrix died on 21.03.1994. In paragraph 6 of the petition, the petitioner has stated that she could not prosecute the petition earlier because she was required to take care of her young children as a single parent. The sisters of the petitioner are joined as the respondents in the petition.

3. In order to prove the Will, the petitioner examined herself as PW1. In course of the examination-in-chief of the petitioner, the 8 documents listed at the foot of this order were exhibited as Exs.P1 to P8. The original Will executed by Kanakambujammal discloses that the Will was registered as Document No.27 of 1993 in the office of the Sub Registrar,



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Virugambakkam. The Will was attested by two witnesses, namely, Balasundarammal and L.Kasturi. The Will refers to the three daughters of the testatrix and states that the property described in the schedule to the Will is bequeathed to the petitioner herein since the testatrix has already provided for the other two daughters. The death certificate (Ex.P2) of the testatrix discloses that she died on 21.03.1994. The legal heirship certificate in respect of the testatrix discloses the names of the petitioner and two respondents herein as her class I legal heirs. It also records that her parents and husband pre-deceased her. The consent affidavits of the respondents are on record (Exs.P4 and P5). Paper publications were effected (Exs.P7 and P8).

4. One of the attesting witnesses, Mrs.Kasturi, was examined as PW2. She is the petitioner's sister and the second respondent herein. She deposed that the testatrix affixed her thumb impression on the Will in her presence.



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5. Based on the assertions in the petition and the evidence adduced in support thereof, the Will stands proved. Consequently, the petitioner is entitled to the relief claimed.

6. For reasons aforesaid, O.P.No.892 of 2007 is allowed by granting letters of administration to the petitioner with the Will dated 24.08.1993 annexed thereto. Such letters of administration shall have effect throughout the State of Tamilnadu. The petitioner shall execute a security bond for a sum of Rs.25,000/- in the name of the Assistant Registrar (Original Side).The petitioner shall submit 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

Petitioners' witness:

P.W.1 – Mrs.V.Kantha

P.W.2 – Mrs.Kasturi

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Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original Will dated 28.04.1993 executed by Kanakambujammal.
Ex.P2	The original death certificate of Kanaga Bujambal.
Ex.P3	The photocopy of the Legal Heirship Certificate of Kanaga Bujambal (Compared with the original).
Ex.P4	The consent affidavit given by the 1 st respondent.
Ex.P5	The consent affidavit given by the 2 nd respondent.
Ex.P6	The affidavit of asserts showing the net value of the estate as Rs.61,872/-.
Ex.P7	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 05.11.2022.
Ex.P8	The copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 16.11.2022.
Ex.P9	Affidavit of the attesting witness

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SENTHILKUMAR RAMAMOORTHY,J



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