



T.O.S. No.35 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2023

CORAM : JUSTICE N.SESHASAYEE

T.O.S. No.35 of 2006

K.Raghuraman

.... Plaintiff

Vs

K.Bakthavatchalam

.... Defendant

Prayer : Testamentary Original Suit filed under Sections 232, 255 and 276 of the Indian Succession Act and Order XXV Rule 5 of Original Side Rules for issuance of Letters of Administration of the Will dated 29.04.1993.

For Plaintiff : Mr.T.Mathi

For Defendant : Mr.P.Sreenivasulu

JUDGMENT



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The Original Petition is laid for granting Letters of Administration of the last Will and testament dated 29.04.1993, executed by late Kuppuswamy Naidu, registered as Document No.8 of 1993 on the file of Sub Registrar, Nemili, Vellore District. The said Kuppuswamy Naidu, later, died on 21.08.1995, leaving behind him his surviving heirs, namely his wife/fourth respondent, children/petitioner and respondents 1 to 3. The petitioner is one of the sons-cum-beneficiary under the Will. Respondents 1 & 2 are his sons, third respondent is his daughter and the fourth respondent is his wife. Original Petition was promptly laid and only one of the sons, filed caveat and hence the OP was converted into a testamentary original suit.

2. The defendant has now agreed for the grant of Letters of Administration to the plaintiff. An endorsement has also been made by the defendant to this effect, even on 09.09.2022.

3. Evidence in this case was recorded and the propounder examined himself as PW1 and marked Exts.P1 to P9. Ext.P1 is the Will of late Kuppuswamy Naidu. To prove the Will, the plaintiff has also examined one of the attesting witnesses as PW2, namely Narasimman.



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4. This court is satisfied on perusing the documents and reading the oral testimony of witnesses. This court is satisfied that the Will of Late Kuppuswamy Naidu, dated 29.04.1993 is genuine.

5. Accordingly, this testamentary original suit is allowed by granting letters of administration with the Will annexed to the plaintiff in respect of the estate bequeathed under the last Will and testament of the late Kuppuswamy Naidu, dated 29.04.1993. The plaintiff 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 plaintiff 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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Asr

List of witnesses examined on the side of Plaintiff:

1. Mr.K.Raghuraman - PW1
2. Mr.S.Narasimman - PW2 (Attesting witness)

List of exhibits adduced on the side of the Plaintiff:



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S.No.	Exhibits	Description of documents
1	P1	Original Will dated 29.04.1993
2	P2	Original Death Certificate dated 24.02.2005 of Late Kuppuswamy Naidu
3	P3	Original Legal heirship certificate dated 11.04.2005
4	P4	Paper publication in Tamil daily 'Makkal Kural' dated 29.09.2005
5	P5	Paper publication in English daily 'News Today' dated 20.09.2005
6	P6	Consent affidavit of K.Pandurangan dated 10.03.2005
7	P7	Consent affidavit of Mrs.Dhanalakshmi dated 10.03.2005
8	P8	Consent affidavit of Mrs.K.Kamalammal dated 11.04.2005
9	P9	Affidavit of attesting witness, Mr.S.Narasimman

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Asr

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