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O.P.No.295 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.295 of 2021

1.V.Jayanthi

2.V.Lakshmi

... Petitioners

Vs

1.V.Parvathi

2.V.Sairam

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232, 255 & 276 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with Will annexed, to the petitioners as daughters and the joint legatee under the Will of the deceased giving effect limited.

For Petitioners : Mr.R.Ravi

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 11.02.2010 executed by late K.S.Vaidyanathan, who died on 15.04.2020. The 1st and 2nd petitioners are



O.P.No.295 of 2021

the daughters, and the 1st respondent is the wife and 2nd respondent is the son of the of the testator. The petitioners and 1st respondent has been appointed as an executors under the said Will. The petitioners seek issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The 2nd respondent who was originally working in the Embassy of India, USA, seems to have been now posted in Embassy of India, Moscow, Russia. The 1st petitioner had filed an affidavit indicating that they have sent an email to official email id of 2nd respondent, and also had sent a notice through speed post. A track consignment extract showing delivery of the said post was also filed along with the affidavit of proof of service. The same has been taken as proof on 2nd respondent, however the 2nd respondent had not entered appearance.

3. The 1st petitioner has been examined as P.W.1. She has produced the death certificate of the testator K.S.Vaidyanathan as Ex.P2. The Original Will dated 11.02.2010 has been produced as Ex.P1. The consent affidavit executed by the 1st respondent is marked as Ex.P8. Further, pursuant to the genreal publication issued, no objections have been received, in this original petition from the respondent herein or from any other person.



O.P.No.295 of 2021

WEB COPY

4. The petitioner has examined one Mr.K.R.A.Mani, who is the attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.A.S.Venkatesan.

5. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioners, in respect of the Will dated 11.02.2010 of the testator K.S.Vaidyanathan. The petitioners are 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.

15.03.2023

gba

Index :Yes/No

Petitioner's witness:

P.W.1 —Mrs.V.Jayanthi

P.W.2 – Mr.K.R.A.Mani



O.P.No.295 of 2021

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 11.02.2010 executed by Mr.K.S.Vaidiyanathan
Ex.P2	Computer generated death certificate of Mr.K.S.Vaidiyanathan
Ex.P3	Computer generated legal heirship certificate Mr.K.S.Vaidiyanathan
Ex.P4	Photocopy of the Sale Deed dated 24.08.1994 executed in favour of Mr.K.S.Vaidyanathan and registered as Doc.No.3928 of 1994 before the SRO, Adyar
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.49,90,000/-
Ex.P6	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 01.10.2022
Ex.P7	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 08.10.2022
Ex.P8	Consent affidavit given by the 1 st respondent
Ex.P9	Affidavit of attesting witness of K.R.A.Mani

15.03.2023

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WEB COPY



O.P.No.295 of 2021

K.KUMARESH BABU,J.

gba

O.P.No.295 of 2021

15.03.2023