



WEB COPY



O.P.No.603 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.04.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.603 of 2022

1.Mrs.Jayashree Venkatesan
2.Mr.Rajesh Varadhachary ... Petitioners

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act 1925 under Order XXV Rule 5 of Original Side Rules seeking for Letters of Administration with the Will annexed may be granted to Mrs.Jayashree Venkatesan, the 1st petitioner who is the niece of the Testatrix and Mr.Rajesh Varadhachary, 2nd petitioner who is the nephew of the Testatrix and they are the legatees under the said Will dated 10.04.2014, of the said deceased having effect through the State of Tamil Nadu.

For Petitioners : Mr.S.Arun Kumar

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 10.04.2014 executed by late N.E.Rajalakshmi, who died on 13.10.2019. The petitioners are the niece and nephew of the testatrix. The petitioners are the beneficiaries under the



O.P.No.603 of 2022

said Will, as the husband of the testatrix pre-deceased her on 24.03.1948, and out of the wedlock they had no issues. The petitioners seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this Court.

2. The 1st petitioner has been examined as P.W.1. She has produced the death certificates of the deceased N.E.Rajalakshmi and N.E.Sarangapani (husband of the testatrix), which are marked as Exs.P3 and P12. The Original Will dated 10.04.2014 has been produced as Ex.P1. The legal heirship certificates of N.E.Rajalakshmi, N.E.Sarangapani, S.Sundararaja Iyengar (father of the testatrix) and S.Varadachari (brother of the testatrix) are marked as Exs.P5, P13, P11 and P14. A perusal of Exs.P5, P13, P11 and P14 shows that the petitioners are the only surviving legal heirs of the testatrix N.E.Rajalakshmi. A paper publication has been made and any objections have not been received.

3. The petitioner has examined Mr.D.Ravi and Mr.R.Krishnaswamy, who are the attesting witnesses to the said Will as P.W.2. and P.W.3. They have spoken about the execution of the Will by the testatrix and its attestation by them.



O.P.No.603 of 2022

WEB COPY

4. 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 10.04.2014 of the testatrix N.E.Rajaalakshmi. 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 petitioners are further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

03.04.2023

pbn

Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No



O.P.No.603 of 2022

WEB COPY

Petitioner's witnesses:

P.W.1 —Mr.Jayashree Venkatesan

P.W.2 – Mr.D.Ravi

P.W.3 – Mr.R.Krishanasamy

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 10.04.2014 executed by N.E.Rajalakshmi
Ex.P2	Photocopy of the registered sale deed dated 02.03.1955
Ex.P3	Computer generated death certificate of N.E.Rajalakshmi
Ex.P4	Photocopy of the Aadhaar card of N.E.Rajalakshmi
Ex.P5	Photocopy of the legal heirship certificate of N.E.Rajalakshmi
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.5,14,56,000/-
Ex.P7	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 14.12.2022
Ex.P8	Copy of paper publication effected in one issue of English daily “Trinity Mirror”, dated 22.12.2022
Ex.P9	Affidavit of attesting witness/PW-2
Ex.P10	Affidavit of attesting witness/PW-3
Ex.P11	Photocopy of the legal heirships certificate of Mr.Sundaraja Iyengar
Ex.P12	Photocopy of the death certificate of Mr.N.E.Sarangapani



O.P.No.603 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P13	Photocopy of the legal heirships certificate of Mr.N.E.Sarangapani
Ex.P14	Certified copy of the legal heirships certificate of Mr.Varadachari certified by the Tahsildar, Guindy Taluk, Chennai

03.04.2023

pbn



WEB COPY



O.P.No.603 of 2022

K.KUMARESH BABU,J.

pbn

O.P.No.603 of 2022

03.04.2023