



O.P.No.422 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.08.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 422 of 2020

V.Anandavalli

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Petitioner

Vs.

1. Ramadevi
2. Kalaiselvi
3. M.Devi
4. M.Nandhakumar
5. Minor M.Akash

Rep. by his mother and natural guardian M.Devi Respondents

Original Petition is filed under Section 232 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV, Rule-5 of Original Side Rules, 1956 to grant Letters of Administration with the Will annexed to the petitioner as daughter-in-law / beneficiary / legatee under the Will dated 31.03.2000 of the deceased K.Kannammal having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.E.Vinoth Kumar



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ORDER

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This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) and under Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will dated 31.03.2000 annexed, to the petitioner as daughter-in-law / beneficiary / legatee under the Will of the deceased K.Kannammal, having effect limited to the State of Tamil Nadu.

2. The averments in the petition are as follows:-

The petition mentioned property was originally belonged to one K.Kannammal by virtue of a sale deed dated 15.04.1999. The said K.Kannammal died on 27.02.2017 and her husband Kuppusamy predeceased her on 27.05.1991. The couple had one son by name K.Venugopal who also predeceased her on 03.10.2010. The petitioner is the wife of Venugopal and daughter-in-law of late K.Kannammal. During her lifetime, K.Kannammal had executed a registered Will dated 31.03.2000 by bequeathing the property in favour of her daughter-in-law who is the petitioner herein. The respondents 1 and 2 are the daughters of the petitioner and 3 to 5 are the children of predeceased son of the petitioner by name Murugan. Since the Will has come into effect after the demise of



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Kannammal, the petitioner had filed this petition seeking Letters of Administration.

3. The petitioner examined herself as P.W.1 and marked Exs.P1 to P18.

4. The registered Will dated 31.03.2000 and which was said to have been executed by K.Kannammal is marked as Ex.P2. The death certificate of husband and son of K.Kannammal have been produced as Exs.P3 and P4. Ex.P5 is the death certificate of K.Kannammal. The death certificate of predeceased son of the petitioner by name Murugan is also produced as Ex.P6. The legal heirship certificate-Ex.P9 would show that the respondents 3 to 5 are the only legal heirs of Murugan who is the predeceased son of the petitioner. Ex.P8-legal heirship certificate of K.Venugopal would show that the petitioner and the respondents 1 and 2 are his legal heirs.

5. Paper publication effected in one issue of Tamil daily “Makkal Kural” on 18.12.2020 and one issue of English daily “Trinity Mirror” dated 27.12.2020 did not attract any objectors.



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6. One of the attesting witnesses of the Will by name T.Perumal has been examined as P.W.2 and he had stated in his evidence that he was present along with the other attesting witness by name Vijaya at the time when the Will was executed and the testatrix had subscribed her left hand thumb impression in their presence. He further stated that at the time of execution of the Will, the testatrix was seen to be in sound and disposing state of mind and that P.W.2 and Vijaya have affixed their signature as attestors of the Will.

7. The respondents 1 to 4 have given their consent affidavit to issue Letters of Administration in favour of the petitioner. The fifth respondent is said to be a minor represented by the third respondent at the time when the petition was filed and he did not raise any objection for grant of Letters of Administration. His consent is marked as Ex.P14.

8. With the statement of P.W.1 and P.W.2 and other documents in record, the petitioner had proved that the Will has been executed in terms of Section 63(c) of the Indian Succession Act and its genuineness is proved in accordance with Section 68 of the Indian Evidence Act. Since the petitioner



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had proved the genuineness of the Will, the relief sought shall be granted.

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9. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 31.03.2000 of K.Kannammal annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. 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.

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APPENDIX

Petitioner's witness:

P.W.1 – V.Anandavalli

P.W.2 – T.Perumal

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the sale deed dated 15.04.1999
P2	Original registered Will dated 31.03.2000
P3	Computer generated death certificate of Kuppuswami Naidu
P4	Computer generated death certificate of K.Venugopal
P5	Computer generated death certificate of K.Kannammal
P6	Photocopy of death certificate of K.Kannamal
P7	Photocopy of legal heirship certificate of Murugan
P8	Computer generated legal heirship certificate dated 07.11.2019 in respect of K.Venugopal
P9	Photocopy of legal heirship certificate of Murugan
P10	Photocopy of petitioner's Aadhar card
P11	Photocopy of Aadhar card of Kannammal
P12	Consent affidavit of first respondent
P13	Consent affidavit of second respondent
P14	Consent affidavit of third respondent
P15	Consent affidavit of fourth respondent
P16	Affidavit of assets
P17	Copy of paper publication dated 18.12.2020
P18	Copy of paper publication dated 27.12.2020

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