



WEB COPY



O.P.No.612 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU
O.P.No.612 of 2022

C.Ramkumar

... Petitioner

Vs

1.S.Padmavathi

2.R.Naveen

3.Minor R.Kavin

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with the Will annexed to the properties and credits of the deceased may be granted to the petitioner son/ beneficiary under the last Will and testament of the said deceased dated 06.07.2009 registered as Document No.66 of 2009 and thereof.

For Petitioner : Mr.L.Dhamodaran

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 06.07.2009 executed by late C.Gowri Thangam, who died on 30.04.2021. The petitioner and the first



O.P.No.612 of 2022

respondent are the son and daughter, and the second and third respondents are the grandchildren of the testatrix. The testatrix has bequeathed her properties referred as Item-I to Item-III to the petitioner herein in the said Will. The testatrix has not appointed any one as an executor under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner has been examined as P.W.1. He has produced the death certificates of the testatrix C.Gowri Thangam and Chellakannu [husband of the testatrix] as Exs.P7 and P6. The Original Will dated 06.07.2009 has been produced as Ex.P5, and the legal heirship certificate of the testatrix husband is produced as Ex.P8. A perusal of Ex.P8 shows that the petitioner and the first respondent are the only surviving Class-I legal heir of deceased Chellakannu and the testatrix had deceased. The first and second respondents had expressed their consent to grant Letters of Administration in favour of the petitioner and their consent affidavits are marked as Exs.P11 and P12. It is to be noted that the first respondent who is the sister of the petitioner had also filed an O.P.No.613 of 2022 seeking to issue Letters of Administration of a Will executed by the mother and father in which the petitioner herein had given his consent. The third respondent



O.P.No.612 of 2022

being a minor represented by his natural guardian and father the petitioner herein, so no consent affidavit is marked on his behalf. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Mr.G.Suresh Babu, who is the second attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testatrix and its attestation, his proof affidavit is marked as Ex.P15.

4. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 06.07.2009 of the testatrix C.Gowri Thangam. 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.

18.04.2023

gba

Index :Yes/No



O.P.No.612 of 2022

Speaking order: Yes/ No

Neutral Citations: Yes/ No

WEB COPY

Petitioner's witness:

P.W.1 - Mr.Ramkumar

P.W.2 – Mr.G.Suresh Babu

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the sale deed dated 13.06.2003 in favour of Mrs.C.Gowri Thangam and Mrs.S.Padmavathy
Ex.P2	Certified copy of the settlement deed dated 14.09.2007 in favour of Mrs.C.Gowri Thangam
Ex.P3	Certified copy of the sale deed dated 29.08.1986 in favour of Mrs.C.Gowri Thangam
Ex.P4	Photocopy of the property tax demand card standing in the name of Mrs.C.Gowri Thangam
Ex.P5	Original registered Will and testament dated 06.07.2009 executed by Mrs.C.Gowri Thangam
Ex.P6	Computer generated death certificate of Mr.Chellakannu
Ex.P7	Computer generated death certificate of Mrs.T.Gowri Thangam
Ex.P8	Computer generated legal heir certificate of Mr.Chellakannu
Ex.P9	Photocopy of the petitioner's Aadhaar card
Ex.P10	Affidavit of assets showing net value of the estate of Rs.74,80,000/-
Ex.P11	Consent affidavit given by the 1 st respondent
Ex.P12	Consent affidavit given by the 2 nd respondent
Ex.P13	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 10.02.2023
Ex.P14	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 20.02.2023



O.P.No.612 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P15	Affidavit of second attesting witness PW2

gba

18.04.2023

K.KUMARESH BABU,J.

gba

O.P.No.612 of 2022



WEB COPY



O.P.No.612 of 2022

18.04.2023