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O.P.No.613 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.613 of 2022**

S.Padmavathi

... Petitioner

Vs

C.Ramkumar

... Respondent

**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 as the daughter/ beneficiary under the last Will and testament of the said deceased dated 06.07.2009 registered as Document No.65 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 R.Chellakannu and C.Gowri Thangam, who died on 27.04.2021 and 30.04.2021 respectively. The petitioner and the respondent are the daughter



O.P.No.613 of 2022

and son of the testator and testatrix. The testator and testatrix has bequeathed their properties referred as Item-I and Item-II to the petitioner herein in the said Will. The testatrix has bequeathed her properties in favour of their son in another Will executed on the same day. The testator and 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. She has produced the death certificates of the testator and testatrix R.Chellakannu and C.Gowri Thangam as Exs.P4 and P5. The Original Will dated 06.07.2009 has been produced as Ex.P3, and the legal heirship certificate of the testator, which has been produced as Ex.P6. A perusal of Ex.P6 shows that the petitioner and the respondent are the only surviving Class-I legal heir of deceased Chellakannu as the testatrix had also deceased. The respondent has expressed his consent to grant Letters of Administration in favour of the petitioner and his consent affidavit is marked as Ex.P8. It is to be noted that the respondent who is the brother of the petitioner had also filed an O.P.No.612 of 2022 seeking to issue Letters of Administration of a Will executed by the mother in which the petitioner herein had given her consent.

A paper publication has been made and any objections have not been



received.

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O.P.No.613 of 2022

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 testator and testatrix and its attestation, his proof affidavit is marked as Ex.P11.

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 testator and testatrix R.Chellakannu and 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**

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No



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O.P.No.613 of 2022

**Petitioner's witness:**

P.W.1 - Mrs.Padmavathi

P.W.2 – Mr.G.Suresh Babu

**Documents exhibited by the petitioner:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                                   |
|------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                  | Photocopy of the allotment letter dated 19.07.1984 issued by the Tamil Slum Clearance Board in the name of Mr.Chellakannu |
| Ex.P2                  | Photocopy of the Sale Deed dated 07.03.1982 in favour of Mr.Chellakannu                                                   |
| Ex.P3                  | Original registered Will dated 06.07.2009 executed by Mr.R.Chellakannu and Mrs.C.Gowri Thangam                            |
| Ex.P4                  | Computer generated death certificate of Mr.Chellakannu                                                                    |
| Ex.P5                  | Computer generated death certificate of Mrs.Gowri Thangam                                                                 |
| Ex.P6                  | Computer generated legal heir certificate of Mr.Chellakannu                                                               |
| Ex.P7                  | Affidavit of assets showing net value of the estate of Rs.4,90,000/-                                                      |
| Ex.P8                  | Consent affidavit given by the respondent                                                                                 |
| Ex.P9                  | Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 10.02.2023                            |
| Ex.P10                 | Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 20.02.2023                        |
| Ex.P11                 | Affidavit of second attesting witness PW2                                                                                 |

**18.04.2023**

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O.P.No.613 of 2022

**K.KUMARESH BABU,J.**

gba

**O.P.No.613 of 2022**

**18.04.2023**