



O.P.No.488 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31.07.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.488 of 2022

Ananth Bhogaraju

... Petitioner

Vs.

1.M.V.Lakshmi

2.C.Kalpakam

.... Respondents

PRAYER : Original Petition is filed under Section 232 & 276 of the Indian Succession Act, 1925 r/w. Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed may be granted to the petitioner being the cousin of the testatrix and the sole beneficiary and legatee under Will of the said deceased Ms.V.Aparna, dated 20.03.2020, having effect limited to the State of Tamil Nadu.

For Petitioner : Ms.S.P.Arthi

ORDER

This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 r/s Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed of the properties and credits of deceased to the petitioner.



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

The petition mentioned property is originally belonged to one Aparna. The said Aparna died on 25.08.2021. The deceased remained unmarried. The petitioner is the cousin brother of the deceased. During the life time of Aparna, she executed an unregistered Will dated 25.03.2020 by declaring the petition mentioned property in favour of petitioner. The parents of the deceased also died on 14.09.2021 and 15.09.2021 respectively. The respondents are the maternal aunties of the deceased. The petitioner has impleaded all the next kin as party / respondents. There are no next or other persons having any interest in the property of the deceased Aparna. The petitioner has filed this Original Petition seeking letters of administration in his favour.

3. The petitioner examined himself as P.W.1 and one C.Kalpapakam has been examined as P.W.2 and marked Exhibits P1 to P13 which are tabulated hereunder:

<i>Exhibits</i>	<i>Documents</i>
P1	The photocopy of the death certificate of Mrs.Y.Krishnaveni.
P2	The photocopy of the death certificate of Mrs.Ramanamma.D.V.
P3	The photocopy of the Settlement Deed dated 11.02.2016 executed



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<i>Exhibits</i>	<i>Documents</i>
	by Mrs.V.K.Durga in favour of Mrs.Shyamala Devi Bhogaraju and V.Aparna.
P4	The photocopy of the death certificate of Mrs.Shyamala Devi Bhogaraju.
P5	The original unregistered Will and Testament dated 25.03.2020 executed by Ms.V.Aparna.
P6	The computer generated death certificate of Ms.V.Aparna.
P7	The computer generated death certificate of Mr.V.S.G.Rao.
P8	The computer generated death certificate of Mrs.V.K.Durga.
P9	The consent affidavit filed by the first respondent.
P10	The consent affidavit filed by the second respondent.
P11	The affidavit of assets showing the net value of the Estate Rs.1,19,75,000/-.
P12	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural"dated 20.03.2023.
P13	The copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 27.03.2023.

4. The original Will dated 25.03.2020 is marked as Ex.P5. Ex.P6 is the death certificate of V.Aparna. The first and second respondents have given their consent affidavits which are marked as Exhibits P9 & P10. The paper publication issued in one issue of "Makkal Kural" on 20.03.2023 and in one issue of "Trinity Mirror" on 27.03.2023 did not attract any objectors and the same have been marked as Exhibits P12 & P13.



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5. Mrs.V.K.Durga, the first attestor of the Will dated 25.03.2020 died

on 14.09.2021. The second attestor of the Will has been examined as P.W.2.

She stated in her evidence that she is the maternal aunt of Ms.V.Aparna. Ms.V.Aparna executed her last Will and Testament on 25.03.2020 in her presence and in the presence of her sister Mrs.V.K.Durga. She also stated that Ms.V.Aparna was in a sound and disposing state of mind at the time of the execution of Ex.P5 Will. Ms.V.Aparna signed the Will in her presence and in the presence of her sister V.K.Durga. At the request of V.Aparna, she also signed the Will as a second attestor.

6. With the statement of P.W.2 and other documents in record, the petitioner has 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.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 25.03.2020 of Ms.V.Aparna annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioner is directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five



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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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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – Mr.Ananth Bhogaraju

P.W.2 – Mrs.C.Kalpakam

Documents marked:

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P2	The photocopy of the death certificate of Mrs.Ramanamma.D.V.
P3	The photocopy of the Settlement Deed dated 11.02.2016 executed by Mrs.V.K.Durga in favour of Mrs.Shyamala Devi Bhogaraju and V.Aparna.
P4	The photocopy of the death certificate of Mrs.Shyamala Devi Bhogaraju.
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P7	The computer generated death certificate of Mr.V.S.G.Rao.
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