



O.P.No.58 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.58 of 2022

T.Ratnakumari

... Petitioner

Vs.

1.K.Seethalakshmi

2.K.Ramesh

3.K.Meena

.... 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 to the petitioner as the legatee under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.Adaikala Arockiaraj

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 in the petition are as follows:-

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The petition mentioned property was purchased in the joint name of the petitioner and her father Ketharaju Bhaskara Rao by virtue of the sale deed dated 06.03.1986. The father of the petitioner Ketharaju Bhaskara Rao died on 07.04.1992. The said Ketharaju Bhaskara Rao had one son and one daughter. The son of the deceased Ketharaju Bhaskara Rao predeceased him in the year 1985. The respondents are the legal heirs of the deceased son of Ketharaju Bhaskara Rao. During his life time, Ketharaju Bhaskara Rao executed a Will dated 07.03.1986 by bequeathing his half share in the petition mentioned property in favour of the petitioner absolutely. Since Ketharaju Bhaskara Rao died on 07.04.1992, the Will came into effect and hence, the petitioner has filed this petition seeking Letters of Administration.

3. The petitioner examined herself as P.W.1 and one Mr.Puvvada Ramanadham has been examined as P.W.2 and Exhibits P1 to P7 were marked.

4. Ex.P1 is the registered Will executed by Ketharaju Bhaskara Rao on 07.03.1986. Ex.P2 death certificate of Ketharaju Bhaskara Rao would



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show that Ketharaju Bhaskara Rao died on 07.04.1992. Exs.P4 & P5 are the copies of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 01.04.2023 and in one issue of English Daily “Trinity Mirror” dated 08.04.2023.

5. Since the whereabouts of both the attestors of the Will are not known, a person who is conversant with the signatures of the attestors and testator is examined as P.W.2. He stated in his evidence that he is conversant with the signatures of the testator and the attestors. He is also aware of the fact that the Will dated 07.03.1986 was executed by late Ketharaju Bhaskara Rao and the attesting witnesses had attested the same. He could identify the signatures of the testator and the attesting witnesses.

6. With the statement of P.W.1 and 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 69 of the Indian Evidence Act.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 07.03.1986 of Ketharaju



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Bhaskara Rao 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 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

Index : Yes



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APPENDIX

Petitioner's witness:

P.W.1 – Mrs.T.Ratnakumari

P.W.2 – Mr.Puvvada Ramanadham

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	The original registered Will and Testament dated 07.03.1986 executed by Mr.Ketharaju Bhaskara Rao.
P2	The original death certificate of Mr.Ketharaju Bhaskara Rao.
P3	The affidavit of assets showing the net value of the estate as Rs.35,00,000/-.
P4	The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 01.04.2023.
P5	The copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 08.04.2023.
P6	The downloaded copy of the property tax receipt dated 03.03.2021.
P7	The affidavit of P.W.2.

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