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O.P.No.290 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.290 of 2022

N.Sripriya

... Petitioner

Vs

1.S.Janaki

2.Alamelu

3.Vijayalakshmi

4.N.Arun

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act, 1925 r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with Will annexed of the properties and credits of the deceased may be granted to the petitioner being the grand-daughter of the deceased.

For Petitioner : Mr.Harshit S.Jain

For Respondents : Mr.Praveen S.Kumar

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 13.01.1983 executed by late



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S.Sitarama Iyer who died on 12.01.1988. The petitioner is the granddaughter, the first respondent is the daughter, second respondent is the legal heir of the deceased daughter S.Radhamani, the third and fourth respondents are the legal heirs of the deceased grandson K.N.Subramanian of the testator. The testator has not appointed any one as an executor under the Will. The petitioner's mother, who is the first respondent herein is the beneficiary under the said 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 S.Sitarama Iyer, S.Radhamani and K.N.Subramani, Krishna Moorthy (husband of the deceased daughter Radhamani), as Exs.P2, P4, P6 and P5. The Original Will dated 13.01.1983 has been produced as Ex.P1. The legal heirship certificate of the testator has been marked as Ex.P3, and on perusal of Ex.P3 it shows that the first respondent is the only surviving Class-I legal heir of the testator. The respondents one to four has expressed their consent to grant Letters of Administration in favour of the petitioner, and their consent affidavits are marked as Exs.P8 to P11. A paper publication has been made and any



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objections have not been received.

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3. The petitioner has examined one Mr.S.Rajagopalan, who is the first attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.T.Bhakthavatchalam.

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 13.01.1983 of the testator S.Sitarama Iyer. 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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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.N.Sripriya



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P.W.2 – Mr.S.Rajagopalan

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will dated 13.01.1983 executed by Mr.S.Sita Rama Iyer
Ex.P2	Computer generated death certificate of Mr.S.Sitha Rama Iyer
Ex.P3	Photocopy of the legal heirship certificate of Mr.Sitha Rama Iyer
Ex.P4	Computer generated death certificate of Mrs.S.Radhamani
Ex.P5	Computer generated death certificate of Mr.Krishna Moorthy
Ex.P6	Computer generated death certificate of Mr.K.N.Subramanian
Ex.P7	Photocopy of the legal heirship certificate of Mr.K.N.Subramanian
Ex.P8	Consent affidavit given by the 1 st respondent
Ex.P9	Consent affidavit given by the 2 nd respondent
Ex.P10	Consent affidavit given by the 3 rd respondent
Ex.P11	Consent affidavit given by the 4 th respondent
Ex.P12	Copy of paper publication effected in one issue of Tamil daily “Maalai Sudar” dated 12.02.2023
Ex.P13	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 19.02.2023.
Ex.P14	Photocopy of the sale deed dated 15.07.1993 in favour of Mr.Sita Rama Iyer
Ex.P15	Affidavit of assets showing the net value of the estate as Rs.1,60,00,000/-
Ex.P16	Affidavit of attesting witness PW2



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