



O.P.No.244 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.08.2023**

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

O.P.No.244 of 2022

1. Mr.S.Hanumantha Rao  
2. Mrs.Chitra Mahidhar

... Petitioners

-Vs-

1. Mr.S.Ranganath  
2. H.Narasinga Rao

... Respondents

Original Petition is filed under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will dated 07.10.2000 annexed may be granted to the petitioners being the son and daughter and 1<sup>st</sup> respondent and who are both beneficiaries under the Will of the said deceased, having effect throughout the State of Tamil Nadu.

For Petitioners : Mr.C.Hanumatha Rao

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## **ORDER**

This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 read with under Order XXV Rule 5 of Original Side Rules seeking issuance of Letters of Administration to the petitioners.

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

The petition mentioned properties were originally belonged to one N.Sanjeeva Rao and he died on 09.02.2021 leaving behind the petitioners and the respondents, who are the sons, daughter and grandson of the deceased N.Sanjeeva Rao. During his life time, he executed an unregistered Will dated 07.10.2000 by bequeathing the petition mentioned property in favour of the petitioners absolutely. Subsequent to the death of N.Sanjeeva Rao, the Will came into effect, however, the Testator did not appoint any person as executor in the above said Will. Hence, the present Original Petition has been filed seeking Letters of Administration.

3. The 1st petitioner has examined himself as PW.1 and Exs.P1 to P13 were marked.



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4. The Will executed by the said N.Sanjeeva Rao has been marked as Ex.P10. The death certificate of N.Sanjeeva Rao, which has been marked as Ex.P8 would show that the said N.Sanjeeva Rao died on 09.02.2021. The legal heirship certificate of N.Sanjeeva Rao, which has been marked as Ex.P9 would show that the petitioners and the respondents are the only surviving legal heirs of the deceased N.Sanjeeva Rao.

5. One of the attestors has been examined as PW2. He has stated in his evidence that the Testator executed the Will in his presence and in the presence of one K.Srinath, who attested the Will as the second attestor. He has further stated that the Testator was in sound and disposing state of mind at the time when he executed the Will. The first respondent, who was examined as RW-1 has also given his consent to grant Letters of Administration in favour of the petitioners.

6. News Paper publications issued in English daily "Southern Mail" dated 20.03.2023 and in Tamil daily "Dinakural" dated 27.03.2023 did not attract any objectors.

7. With the evidence of PWs-1 & 2, the petitioners have proved the Will is true and genuine. Thus the Ex.P10 Will is seen to be fulfilling the essential



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requirements of Section 63(c) of the Indian Succession Act and with the evidence of the attester, the genuinenesses of the Will is proved in accordance with Section 69 of the Indian Evidence Act. Hence, the petitioners are entitled to the relief as prayed for.

8. Accordingly, this Original Petition is allowed by granting Letters of Administration in favour of the petitioners. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioners are 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 petitioners are 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 Order  
Neutral Citation:Yes/ No  
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## **APPENDIX**

### **Petitioner side witness:**

P.W.1 – Mr.Hanumantha Rao

### **Documents marked by P.W.1:**

| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                                             |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| P1                     | Photocopy of the death certificate of Mr.S.Narasingarao (Compared with the original)                                                |
| P2                     | Downloaded copy of the Patta standing in the name of Mr.N.Sanjeeva Rao in respect of the property at Balaji Nagar.                  |
| P3                     | Photocopy of the property tax receipt dated 08.09.2021 standing in the name of Mr.N.Sanjeeva Rao. (Compared with the original)      |
| P4                     | Photocopy of the Water and Sewerage receipt dated 21.02.2022 standing in the name of Mr.N.Sanjeeva Rao (Compared with the original) |
| P5                     | Downloaded copy of the Patta standing in the name of Mr.N.Sanjeeva Rao in respect of the property at Kutchery Road.                 |
| P6                     | Photocopy of the property tax receipt dated 12.10.2021 standing in the name of Mr.N.Sanjeeva Rao (Compared with the original).      |
| P7                     | Photocopy of the Water receipt dated 09.03.2022 standing in the name of Mr.N.Sanjeeva Rao (Compared with the original).             |
| P8                     | Computer generated death certificate of Mr.N.Sanjeeva Rao.                                                                          |
| P9                     | Computer generated legal heir certificate of Mr.N.Sanjeeva Rao                                                                      |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                           |
|------------------------|---------------------------------------------------------------------------------------------------|
| P10                    | Original unregistered Will and testament dated 07.10.2000 executed by Mr.N.Sanjeeva Rao.          |
| P11                    | Affidavit of assets showing the net value of the estate as Rs.1,60,00,000/-.                      |
| P12                    | Copy of paper publication effected in one issue of English daily “Southern Mail” dated 20.03.2023 |
| P13                    | Copy of paper publication effected in one issue of Tamil daily “Dinakural” dated 27.03.2023       |

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**R.N.MANJULA, J.**

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