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O.P.No.400 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.400 of 2022

Sudha Sethuraman

... Petitioner

Vs

1.N.Y.Lakshmi

2.Shriya Sethuraman

3.P.B.Jawahar

4.K.Iyyamani

... Respondents

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 may be granted to her as the niece beneficiary in the last Will and testament of the said deceased Mrs.Visalakshi Narasimhan.

For Petitioner : Mr.G.Poonkundran

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 13.01.2014 executed by late Visalakshi Narasimhan, who died on 06.10.2020. The petitioner is the niece,



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who is the sister's daughter of the testatrix. The first respondent is the sister, who is the mother of the petitioner, second respondent is the daughter of the petitioner, who is also the granddaughter of the first respondent, third respondent is the son of P.S.Babu, who is the brother in-law of the testatrix, and the fourth respondent is the father of the petitioner herein, who is also the brother in-law of the testatrix. The petitioner and the first to third respondents are the beneficiaries under the Will. The testatrix has appointed the fourth respondent 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 testatrix Visalakshi Narasimhan and P.S.Narasimhan (husband of the testatrix) as, Exs.P7 and P4. The Original registered Will dated 13.01.2014, has been produced as Ex.P5. Despite the notice served had duly received by the respondents none had chosen to appear before this Court either in person or through their counsel. Pursuant to the general publications made, any objections have not been received, from the respondents herein or from any other person.



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3. The petitioner has examined one Mr.C.Viswanathan, 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 testatrix and its attestation by himself and Mr.C.Balasubramanian.

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 13.01.2014 of the testatrix Visalakshi Narasimhan. 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 order: Yes/ No

Neutral citation: Yes/ No

Petitioners' witness:



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P.W.1 - Mrs.Sudha Sethuraman

P.W.2 – Mr.C.Viswanathan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the memorandum of agreement dated 30.09.1981
Ex.P2	Photocopy of the registered Sale Deed 02.12.1981 in favour of Mrs.Visalakshi Narasimhan which was registered as Document No.4586 of 1981 before the Joint Sub-Registrar, Saidapet
Ex.P3	Photocopy of the Joint Accout pass book of Central Bank of India, Aydar Branch standing in the names of Mrs.Visalakshi Narasimhan and Mrs.N.Y.Lakshmi
Ex.P4	Computer generated death certificate of P.S.Narasimhan
Ex.P5	Original registered Will dated 13.01.2014 executed by Mrs.Visalakshi Narasimhan which was registered as document No.2 of 2014 before the Sub-Registrar, Adyar
Ex.P6	Photocopy of the Aadhar card of Mrs.Visalakshi Narasimhan
Ex.P7	Computer generated death certificate of Mrs.Visalakshi Narasimhan
Ex.P8	Photocopy of the Aadhar card of Mrs.N.Y.Lakshmi
Ex.P9	Photocopy of petitioner's Aadhar card
Ex.P10	Photocopy of the receipt given by the 3 rd respondent
Ex.P11	Affidavit of assets showing the net value of the estate as Rs.75,00,000/-
Ex.P12	Copy of paper publication effected in one issue of English daily “Trinity Mirror”dated 18.12.2022
Ex.P13	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural”dated 27.12.2022
Ex.P14	Affidavit of the attesting witness PW2



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