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O.P.No.754 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.754 of 2021

Smt.G.Alamelu,
W/o.S.Nambi
2B, Sorrento Kashyap,
6/31, Deivasigamani Street,
Lakshmipuram, Royapettah,
Chennai 600 014.

.. Petitioner

vs.

Kanniammal a
lias K.Rajeswari
W/o.M.Kandappan,
No.72, Ram Nagar III Street,
S.S.Colony,
Madurai.

.. Respondent

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act r/w. Order XXV Rule 5 of Original Side Rules, prays that the Letters of Administration with the Will annexed may be granted to the petitioner as legatee/sister beneficiary under the Will of the said deceased to have effect limited to the precincts of India.



O.P.No.754 of 2021

For Petitioner : Mr.G.Rm.Palaniappan
Mr.G.Umeshwaran
Mr.M.Sureshkumar

ORDER

The petitioner seeks the grant of letters of administration with the Will annexed in respect of the last Will and testament dated 25.11.2018 of her brother, Mr.G.Venkatachalam.

2. The petitioner states that her brother died on 20.11.2019 and that he was unmarried at the time of death. The petitioner further states that the mother of the testator, Mrs.Maragatham, pre-deceased him. Therefore, it is asserted that the only surviving legal heirs are the petitioner and the respondent.

3. In order to prove the Will, the petitioner adduced evidence by examining herself as PW1. In course of the examination-in-chief of PW1, the 14 documents listed at the foot of this order were exhibited as Exs.P1 to P14. The original unregistered Will dated 25.11.2018 (Ex.P1) discloses that the Will was executed in the presence of Mr.R.Uthandakrishnan and



O.P.No.754 of 2021

Mr.P.Kuppurathinam. It is recorded in the Will that all the properties described therein are bequeathed to the testator's younger sister, Smt.G.Alamelu. The death certificate of the testator (Ex.P2) discloses that he died on 20.11.2019. The legal heirship certificate (Ex.P5) in respect of the petitioner's father, V.Ganapathy Sundaram, discloses the names of four legal heirs. The said persons are the petitioner's mother, Mrs.Maragatham, the respondent, the testator and the petitioner. The death certificate of the petitioner's mother (Ex.P4) discloses that she died on 07.02.2001. As evidence of the title of the testator to the assets under the Will, Exs.P6 to P10 have been placed on record. Paper publications were effected (Exs.P12 and P13). The sole respondent has provided a consent affidavit (Ex.P14).

4. One of the attesting witnesses, Mr.P.Kuppurathinam, was examined as PW2. Through him, the attesting witness' affidavit was marked as Ex.P15. He deposed that the testator was his cousin. He further deposed that the Will was executed in his presence and in the presence of the other witness, Mr.Uthandakrishnan. PW2 further deposed that the testator was in a sound and disposing state of mind at the time of execution of the Will.



O.P.No.754 of 2021

WEB COPY

5. Based on the assertions in the petition and the evidence recorded by the petitioner, the Will stands duly proved.

6. Accordingly, O.P.No.754 of 2021 is allowed by granting letters of administration to the petitioner with the Will annexed thereto. Such letters of administration shall have effect throughout India. The petitioner shall 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 shall provide an inventory of assets and statement of accounts within a period of *six months* and *one year*, respectively.

06.02.2023

Index : Yes / No

Internet : Yes / No

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Petitioner's witness:

P.W.1 – Mrs.G.Alamelu

P.W.2 – Mr.P.Kuppurathinam

Documents exhibited by the petitioner:

4/7



O.P.No.754 of 2021

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original unregistered Will dated 25.11.2018 executed by Mr.G.Venkatachalam.
Ex.P2	The computer generated death certificate of Mr.G.Venkatachalam.
Ex.P3	The original death certificate of Mr.V.Ganapathy Sundram Mudaliar.
Ex.P4	The original death certificate of Margatham @ Kanniyammal.
Ex.P5	The photocopy of the Legal Heirship Certificate of V.Ganapathy Sundram (Compared with the original).
Ex.P6	The photocopy of the Deed of Conveyance dated 06.10.2015 executed in favour of Mr.Ganapathy Sundaram Venkatachalam (Compared with the original).
Ex.P7	The photocopy of the Sale Deed dated 27.02.2017 executed in favour of Mr.G.Venkatachalam (Compared with the original).
Ex.P8	The photocopy of the Sale Deed dated 27.02.2017 executed in favour of Mr.G.Venkatachalam (Compared with the original).
Ex.P9	The downloaded copy of the statement of account of HDFC bank in respect of Mr.G.Venkatachalam.
Ex.P10	The photocopy of th savings bank passbook of State Bank of India bearing account No.30533005613 in respect of Mr.Venktachalam Ganapathy Sundaram (Compared with the original).
Ex.P11	The affidavit of asserts showing the net value of the estate as Rs.1,16,06,517.30.
Ex.P12	The copy of paper publication effected in one issue of English daily "Southern Mail" dated 02.11.2022.
Ex.P13	The copy of paper publication effected in one issue of Tamil daily "Dina Kural" dated 10.11.2022.



O.P.No.754 of 2021

<i>Exhibits</i>	<i>Documents</i>
Ex.P14	The consent affidavit given by the respondent.
Ex.P15	The attesting witness of PW2

06.02.2023

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6/7



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O.P.No.754 of 2021

O.P.No.754 of 2021

06.02.2023