



WEB COPY



O.P.No.189 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.189 of 2022

1.B.Jayavelu
2.B.Sugumaran
3.B.Thirunavukkarasu
4.B.Sundaravadivel

... Petitioners

Vs

1.D.Vatchala
2.J.Parimala
3.Parameswari

... 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 the petitioners as sons/ beneficiaries under the Will of the deceased.

For Petitioners : Mr.B.K.Girish Neelakantan

For Respondents : Mr.P.Kannan Kumar

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 09.06.2010 executed by late



O.P.No.189 of 2022

M.Meenambal, who died on 11.07.2013. The petitioners are the sons and the respondents are the daughters of the testatrix. The petitioners are the legatees under the said Will and the testatrix has not appointed any one as an executor under the said Will. The petitioners seek issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The 1st petitioner has been examined as P.W.1. He has produced the death certificates of the testatrix M.Meenambal and V.P.Balasundaram (husband of the testatrix) as, Exs.P2 and P3. The Original Will dated 09.06.2010 has been produced as Ex.P1, and the legal heirship certificate of the testatrix is produced as Ex.P4. A perusal of Ex.P4 shows that the petitioners and the respondents are the only surviving Class-I legal heir of the testatrix. The respondents 1 to 3 had expressed their consent to grant Letters of Administration in favour of the petitioners and their consent affidavits are marked as Exs.P9 to P11. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Mrs.D.Vatchala, who is the first attesting witness to the said Will as P.W.2. She has spoken about the



O.P.No.189 of 2022

execution of the Will by the testatrix and its attestation by herself and Mrs.Parimala.

4. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioners, in respect of the Will dated 09.06.2010 of the testatrix M.Meenambal. 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 petitioner are further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

13.04.2023

gba

Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

Petitioner's witness:

P.W.1 - Mr.B.Jayavelu

P.W.2 – Mr.D.Vatchala

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>					
Ex.P1	Original	Will	dated	09.06.2010	executed	by



O.P.No.189 of 2022

<i>Exhibits</i>	<i>Documents</i>
	Mrs.M.Meenambal
Ex.P2	Computer generated death certificate of Meenambal
Ex.P3	Computer generated death certificate of V.P.Bala Sundaram
Ex.P4	Original of the legal heirship certificate of Meenambal
Ex.P5	Photocopy of the Sale Deed dated 24.06.1950
Ex.P6	Photocopy of the Sale Deed dated 29.10.1956
Ex.P7	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 14.12.2022
Ex.P8	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 22.12.2022
Ex.P9	Consent affidavit given by the 1 st respondent
Ex.P10	Consent affidavit given by the 2 nd respondent
Ex.P11	Consent affidavit given by the 3 rd respondent
Ex.P12	Affidavit of assets showing the net value of the estate as Rs.10,00,000/-
Ex.P13	Affidavit of the attesting witness PW2

13.04.2023

gba



WEB COPY



O.P.No.189 of 2022

K.KUMARESH BABU,J.

gba

O.P.No.189 of 2022

13.04.2023