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O.P.No.80 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.80 of 2022

1.N.Mariammal alias Papa
2.D.Mari Chitra
3.S.Sankareswari
4.P.Sankara Kumar

... Petitioners

VS

1.P.Sudanthiramani
2.M.Karapagam
3.M.Padma Priya
4.M.Padma Rubini
5.P.Lakshmanan

... Respondents

Prayer: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act 1925 r/w Order XXV Rule 5 of the Original Side Rules, petitioners pray that Letters of Administration with the Certified copy of registered Will dated 30.06.2000 annexed of the properties and credits of deceased may be granted to the petitioners as daughters and son and beneficiaries under the Will of the deceased.

For Petitioners : Mr.V.Venkadasalam



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For Respondents : No Appearance

ORDER

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This original petition has been filed for the issuance of the Letters of Administration in respect of the Will dated 30.06.2000 executed by Padma @ Bhadhrakali Ammal, who died on 10.09.2001. The first to third petitioners are the daughters, fourth petitioner, first and fifth respondents are the sons, second to fourth respondents are legal heirs of the deceased son P.Mareesan of the testatrix. The petitioners are the beneficiaries under the said Will. The testatrix has not appointed any executor under the Will. The petitioners being the beneficiaries of the said will seeks issuance of the Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2.The petitioners submit that the testatrix is their mother and their father L.Ponnusamy, died on 26.10.2005, the testatrix has bequeathed the property situated at Perambur in favour of her husband granting life interest and thereafter to her son the fourth petitioner herein granting only life interest, then the absolute interest in the property is granted to her grandson S.Pradeep Kumar, who is the son of the fourth petitioner. Other properties mentioned in the A Schedule such as bearing No.129, GNT Road, Moolakadai measuring



2000 sq.ft is granted life interest in favour of the testatrix's daughters the first to third petitioners herein, thereafter absolute interest in the properties to the sons of the first to third petitioners namely, Ponpalani, Rameshkumar and Aravindhana.

3.The fourth petitioner has been examined as P.W.1. He has produced the Certified copy of the registered Will dated 30.06.2000 as, Ex.P1. The death certificates of the testatrix Padma @ Bhadrakali Ammal and L.Ponnusamy (husband of the testatrix) as Exs.P3 and P2. The legal heirship certificate of testatrix husband is produced as Ex.P4. On a perusal of Ex.P4 shows that the petitioners, the first and fifth respondents are the Class-I legal heirs of the testatrix. The fifth respondent has filed his consent affidavit, for grant of Letters of Administration in favour of the petitioners. Notice was duly served on the first to fourth respondents but none has appeared before this court either in person or through their counsel. General publications has been made and any objections have not been received from the respondents herein or from any other person.

4.The petitioner has examined one Mr.P.Challam, who is the first



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attesting witness of 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 one Mr.L.Ponnusamy Nadar.

5.In view of the above said facts and evidence, this Original Petition is ordered and Letters of Administration is granted to the petitioners, in respect of the certified copy of the registered Will dated 30.06.2000, of the testatrix Padma @ Bhadrakali Ammal. The petitioners are directed to execute a security bond for a sum of Rs.25000/- (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 a statement of accounts within a period of six months and one year, respectively.

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Index :Yes/No

Internet: Yes/ No

Petitioners witness:

P.W.1- Mr.P.Sankara Kumar

P.W.2- Mr.P.Challam



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The certified copy of the Will dated 30.06.2000 executed by Mrs.Padma @ Bhadrakali Ammal registered as Doc.No.126/2000 before the Sub Registrar, Sembium.
Ex.P2	The original death certificate of L.Ponnusamy.
Ex.P3	The computer generated death certificate of Mrs.Badhrakali Ammal.
Ex.P4	The original legal heir certificate of Mr.L.Ponnusamy.
Ex.P5	The consent affidavit of the fifth respondent.
Ex.P6	The affidavit of assets showing the net value of the property at Rs.69,00,000/-.
Ex.P7	The paper publication in one issue of “Trinity Mirror” dated 10.11.2022.
Ex.P8	The paper publication in one issue of “Makkal Kural” dated 18.11.2022.
Ex.P9	Affidavit of the attesting witness P.W.2

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