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O.P.No.685 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.07.2023**

CORAM

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

**O.P.No. 685 of 2022**

S.Sampathkumar

...

Petitioner

Vs.

V.Padmavathy

...

Respondent

**PRAYER:** Original Petition filed for Letters of Administration under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, 1956, prays that the letters of administration with the Will annexed of the property and credits of deceased R.Sarangapani having effect limited to the State of Tamil Nadu.

For Petitioner : M/S.G.Thanigaivel

For Respondent : Mr.S.Hariharan

**ORDER**

This petition has been filed for seeking the Letters of Administration in respect of the Will dated 03.11.2013 executed by one late R.Sarangapani.

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

The petition mentioned property belonged to one R.Sarangapani by



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virtue of a Sale Deed dated 22.01.1999. During the life time of the said Sarangapani, he executed a Will on 03.11.2013 by bequeathing the property in favour of the petitioner, who is said to be the brother's son of the testator. The respondent is the sister of the testator. Sarangapani died on 13.08.2020 without any issues. He remained unmarried during his life time and his parents also predeceased him. His only sister ,who is the second class legal heir of the respondent herein, has also given her consent affidavit in favour of the petitioner.

3. The 1<sup>st</sup> petitioner examined himself as PW.1 and the following documents were marked through him and they are listed as hereunder:

| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                                                      |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                  | The original last Will and Testament of R.Sarangapani dated 03.11.2013                                                                       |
| Ex.P2                  | The photocopy of the sale deed dated 22.01.1999 (compared with original)                                                                     |
| Ex.P3                  | The photocopy of the approval building for additional construction dated 16.07.2003 (compared with original)                                 |
| Ex.P4                  | The computer generated copy of the death certificate of late R.Sarangapani dated 13.08.2020                                                  |
| Ex.P5                  | The photocopy of the corporation tax receipts in the name of R.Sarangapani. (The counsel for the defendant has agreed to mark this document) |
| Ex.P6                  | The photocopy of the electricity card in the                                                                                                 |



| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                                              |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|                        | name of R.Sarangapani. (The counsel for the defendant has agreed to mark this document)                                              |
| Ex.P7                  | The photocopy of the water tax receipt in the name of R.Sarangapani (The counsel for the defendant has agreed to mark this document) |
| Ex.P8                  | The original paper publication of both Tamil and English Daily.                                                                      |

5. Ex.P1 Will dated 0.11.2013 would show that the owner of the property of Sarangapani has executed a Will and bequeathed the petition mentioned property in favour of the petitioner. Ex.P4 the copy of the death certificate would show that the said Sarangapani died on 13.08.2020. The paper publication issued in Tamil daily "Makkal Kural" and English daily "Trinity Mirror" dated 11.04.2023 and 18.04.2023, respectively, did not attract any objectors.

6. One of the attesting witness R. Rajagopalan has been examined as PW.2 and he has stated in his evidence that he was present at the testator's house on the day when the Will was executed. He further stated that R. Senthilkumar who is the other attesting witness was also present and they had seen that the testator affixing his signature on the Will and that PW.2 along with other witness affixed their signatures as attestors for the Will.

7. With the above evidence of PW.2, the petitioner has proved that the



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Will is true and genuineness. Thus the Ex.P1 Will is seen to be fulfilling the essential requirements of Section 63(c) of the Indian Succession Act and with the evidence of the attesor and the Will has also been proved to be true in accordance with Section 68 of the Indian Evidence Act. Hence, the petitioner is entitled to the relief claimed as prayed for.

8. Accordingly, this Original Petition is **allowed** by granting Letter of Administration to the petitioner in respect of the last Will and Testament of late R.Sarangapani. The petitioner shall execute a 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.

**25.07.2023**

jrs

Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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

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