



O.P.No.708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.08.2023**

CORAM:

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

O.P.No.708 of 2022

K.Prema

... Petitioner

-Vs-

1. Mrs.B.Valli

2. Mrs.R.Dhanalakshmi

... Respondents

Original Petition is filed under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed may be granted to the petitioner as the daughter/Legatee named under the Will of the deceased having limited to the State of Tamil Nadu.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : No Appearance



O.P.No.708 of 2022

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ORDER

This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 read with under Order XXV Rule 5 of Original Side Rules seeking issuance of Letters of Administration to the petitioner.

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

The petition mentioned property was originally belonged to one K.P.Balaraman by virtue of a registered Sale Deed dated 07.02.1985. The petitioner is the daughter of the said K.P.Balaraman and the first respondent is his wife and the 2nd respondent is his another daughter. The said K.P.Balaraman died on 11.10.2006. During his life time, he executed a registered Will dated 30.12.1993 by bequeathing the petition mentioned property in favour of the petitioner absolutely. Subsequent to the death of K.P.Balaraman, the Will came into effect. However, the petitioner did not file the OP seeking Letters of Administration so far. She has stated that only when she was taking steps to effect mutation of Revenue records, she came to know that production of Letters of Administration is essential and thereafter, she has filed this Original Petition.



O.P.No.708 of 2022

WEB COPY

3. The petitioner has examined herself as PW.1 and marked the following documents:-

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the sale deed dated 22.05.1972 executed in favour of Mr.Kuppusamy (Compared with the original).
P2	Photocopy of the Sale deed dated 07.02.1985 executed in favour of Mr.K.P.Balaraman (Compared with the original).
P3	Original registered Will and Testament dated 30.12.1993 executed by Mr.K.P.Balaraman.
P4	Original death certificate of Mr.K.P.Balarama Mudaliar.
P5	Original legal heirship certificate of Mr.K.P.Balarama Mudaliar.
P6	Photocopy of my Aadhaar card (Compared with the original).
P7	Photocopy of the encumbrance certificate for the period from 01.07.1958 to 31.05.1968 in respect of the property comprised in T.S.No.60, Block No.10, Division No.1840.
P8	Computer generated encumbrance certificate dated 06.04.2022 in respect of the property at Old No.17 New No.18, Bharathi Street avvai Nagar Choolaimedu Chennai-94.
P9	Photocopy of the electricity card which stands in the name of Mr.K.P.Balaraman (Compared with the original).
P10	Photocopy of the property tax demand card which stands in the name of Mr.K.P.Balaraman (Compared with the original).
P11	Photocopy of the water and sewerage tax card which stands in the name of Mr.K.P.Balaraman along with the computer generated receipt dated 04.09.2021 (Compared with the original).
P12	Copy of paper publication effected in one issue of Tamil



O.P.No.708 of 2022

<i>Exhibits</i>	<i>Documents</i>
	Daily “Makkal Kural” dated 07.07.2023.
P13	Copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 15.07.2023.
P14	Affidavit of assets showing the net value of the estate as Rs.52,81,040/-.

4. The respondents have been set exparte. The Will executed by the said K.P.Balaraman has been marked as Ex.P3. The death certificate of K.P.Balaraman, which has been marked as Ex.P4 would show that the said K.P.Balaraman died on 11.10.2006. The legal heirship certificate of K.P.Balaraman, which has been marked as Ex.P5 would show that the petitioner and the respondents are the only surviving legal heirs of the deceased K.P.Balaraman.

5. News Paper publications effected. No objectors.

6. One of the attestors of the Will has been examined as PW2 and she has stated in her evidence that herself and one Manimegalai, who is the other attesting witness were present at the time when the testator had executed the Will and they had seen the testator signing the Will in their presence. She also stated that she had affixed her signature as the second attestor while Manimegalai affixed her signature as the first attestor. PW2 has further stated



O.P.No.708 of 2022

that the testator was seen to be in sound disposing state of mind at the time when the Will was executed.

7. With the above evidence of PW.2, the petitioner has proved that the 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 Letters of Administration in favour of the petitioner. Such Letters of Administration shall have effect throughout the State of Tamilnadu. 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.

22.08.2023

Internet :Yes/No
Speaking/Non speaking Order
Neutral Citation:Yes/ No
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O.P.No.708 of 2022

R.N.MANJULA, J.
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O.P.No.708 of 2022

22.08.2023