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O.P.No.323 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 323 of 2022

P.Sudhakar

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Petitioner

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 may be granted to him as he is the only beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.B.Manoharan

ORDER

This petition has been filed for seeking the Letters of Administration in respect of the Will dated 01.02.2017 executed by one late B.Lalitha.

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

The property is comprised in the Will dated 01.02.2017, where the property belongs to Lalitha, who is the paternal aunt of the petitioner. The said Lalitha died on 30.4.2019. During her life time on 01.02.2017, she



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executed a registered Will and bequeathed the said properties in favour of the petitioner, who is her brother's son. Since the Will came into effect after her death, the petitioner has filed this petition for seeking Letters of Administration.

3. The first petitioner examined himself as PW.1 and Ex.P1 to Ex.P8 were marked through him.

4. Ex.P1 to Ex.P3 are the sale deeds in favour of Lalitha and they have been produced to show that the deceased Lalitha owned the said properties as her self-acquired properties. The Will dated 01.02.2017 is marked as Ex.P4, wherein it is seen that the deceased Lalitha had bequeathed her properties in favour of the petitioner, who is her brother's son. From Ex.P5 death certificate, it is seen that Lalitha died on 30.4.2019. Lalitha did not have any issues on her own and her husband's whereabouts are also unknown. She is said to have been living with the petitioner all along. Ex.P7 and P8 are the paper publications effected in one issue of Tamil daily 'Makkal Kural' dated 16.06.2023 and another issue of English daily 'Trinity Mirror' dated 24.06.2023 did not attract any objectors.



5. The attestators of the Will by name Pradeep and C.Meenambihai have been examined as PW.2 and PW.3 and they have stated in their evidence that the deceased B.Lalitha was known to them and she executed the registered Will dated 1.02.2017 in their presence. They had seen the said Lalitha signing the Will and they had also subscribed their signatures as attesttors of the same.

6. With the evidence available on record, the petitioner has proved that the Will is true and genuine. Thus, 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, the Will has also been proved to be true and in accordance with the Section 68 of the Indian Evidence Act. Hence, the petitioner is entitled to the relief claimed as prayed for.

7. Accordingly, this Original Petition is **allowed** by granting a Letter of Administration to the petitioner in respect of the last Will and Testament of late B.Lalitha. 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 a statement of accounts within a



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period of six months and one year, respectively.

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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – P.Sudhakar

P.W.2 – Pradeep

Documents exhibited by the petitioners:

P.W.3 – C.Meenambihai

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the sale deed 2992/1991 in respect of Samudram Village Plot dated 18.11.1991. (compared with original)
Ex.P2	The photocopy of the sale deed 3358/1995 in respect of Anna Nagar Flat dated 20.11.1995. (compared with original)
Ex.P3	The photocopy of the sale deed 5877/2009 in respect of Ammapalayam Village plot dated 21.10.2009. (compared with original)
Ex.P4	The Original Will executed by the Testator in favour of petitioner dated 01.02.2017.
Ex.P5	The computer generated copy of the death certificate of Testator, Lalitha issued on 19.08.2019.
Ex.P6	The form of valuation filed by the petitioner dated 27.03.2022.
Ex.P7	The paper publication in Tamil 'Makkal Kural' dated 16.06.2023.
Ex.P8	The paper publication in English 'Trinty Mirror' dated 24.06.2023.

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R.N.MANJULA, J.
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