



WEB COPY



O.P.No.95 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.95 of 2018

1.Panchali Ammal

2.Neelavathi

3.R.Bhanumathi

4.N.Shanthi

... Petitioners

Vs

Varadhammal

... Respondent

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 of the deceased annexed may be granted to them being sisters and nieces as the beneficiaries under the Will of the deceased.

For Petitioners : Ms.G.Sumitra

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 08.06.2011 executed by late



O.P.No.95 of 2018

S.Chitty Babu, who died on 31.10.2019. The petitioners one and two, and the respondent are the elder sisters of the testator, petitioners three and four are the niece of the testator. The testator has not appointed any executor under the Will. The petitioners are the beneficiaries under the Will. The petitioners seek issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2.The petitioner states that the testator remained unmarried till his death and has no Class-I legal heirs. The second petitioner has been examined as P.W.1. She has produced the death certificate of the testator S.Chitty Babu as, Ex.P1. The Original registered Will dated 08.06.2011 has been produced as Ex.P2. Despite the notice served and duly received by the respondent, they have not chosen to appear either in person or through a counsel. Pursuant to the general publications made any objections have not been received either from the respondent herein or from any other person.

3. The petitioner has examined one Mr.Ellappan, who is the first attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.V.G.Subramanian.



O.P.No.95 of 2018

WEB COPY

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 08.06.2011 of the testator S.Chitty Babu. 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 petitioners are further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

02.06.2023

gba

Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

Petitioner's witness:

P.W.1 – Mrs.Neelavathi

P.W.2 - Mr.Ellappan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of second petitioner's younger brother S.Chitty Babu, who died on 31.08.2011



O.P.No.95 of 2018

<i>Exhibits</i>	<i>Documents</i>
Ex.P2	Original registered Will and Testament dated 08.06.2011 executed by 2nd petitioner's younger brother S.Chitty Babu, which has been attested by two attesting witnesses namely Mr.P.V.Ellappan and Mr.V.G.Subramanian
Ex.P3	Photocopy of the sale deed dated 14.04.1988 executed in favour of S.Chitty Babu. (Marked after comparing and verifying with the original)
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.11,14,000/-
Ex.P5	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 04.05.2018
Ex.P6	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 13.05.2018

02.06.2023

gba

K.KUMARESH BABU,J.



WEB COPY



O.P.No.95 of 2018

gba

O.P.No.95 of 2018

02.06.2023
(1/3)