



O.P.No.36 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.36 of 2022

1.Poornima Raghu
2.R.Sachin
3.Nithin (became major on 21.05.2020) ... Petitioners

Vs

Ramma Satchidanandh ... 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 the petitioners as wife and sons/ beneficiaries under the Will of the deceased S.Raghu.

For Petitioners : Mr.M.Kamalanathan

For Respondent : Mr.P.Ravishankar Rao

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 19.05.2016 executed by late S.Raghu, who died on 29.06.2017. The first petitioner is the wife, second



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and third petitioners are the sons and respondent is the mother of the testator. The petitioners are the beneficiaries under the said Will. The testator has not appointed an executor under the Will. The petitioners seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The first petitioner has been examined as P.W.1. She has produced the death certificate of the testator S.Raghu as, Ex.P4. The Original Will dated 19.05.2016 has been produced as Ex.P3, and the legal heirship certificate of the testator is produced as Ex.P6. A perusal of Ex.P6 shows that the petitioners and the respondent are the Class-I legal heir of the testator. The respondent has filed her consent affidavit expressing her no objection for the grant of Letters of Administration in favour of the petitioners. The said consent affidavit has been marked as Ex.P6. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Mr.B.Muralidar, who is the second 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.G.S.Soundarajan.



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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 19.05.2016 of the testator S.Raghu. 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.

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Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioners' witness:

P.W.1 - Mrs.Poornima Ragu

P.W.2 – Mr.B.Muralidar

Documents exhibited by the petitioners:



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the order dated 18.02.2002 passed in C.S.No.1114 of 1995 by this Hon'ble High Court
Ex.P2	Photocopy of the birth certificate of Nithin
Ex.P3	Original Will executed by S.Raghu dated 19.05.2016
Ex.P4	Computer generated death certificate of S.Raghu
Ex.P5	Photocopy of the legal heirship certificate of S.Raghu dated 11.08.2017
Ex.P6	Consent affidavit given by the respondent herein
Ex.P7	Affidavit of assets showing the net value of the estate as Rs.3,01,13,060.41/-
Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Maalai Malar" dated 14.12.2022
Ex.P9	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 21.12.2022
Ex.P10	Affidavit of the attesting witness PW2

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