



O.P.No.32 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.04.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.32 of 2021

C.K.Manickaraj

... Petitioner

Vs

1.J.Jagan

2.Rajeswari

... Respondents

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 annexed may be granted to the petitioner, being the vested holder and sole beneficiary, under the Will of the said V.M.Ambal, since deceased.

For Petitioner : Mr.C.P.Sivamohan

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 22.05.2017 executed by late V.M.Ambal, who died on 29.12.2019. The petitioner and the first respondent are the nephew, who are the sons of the testatrix elder and



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younger sister. The second respondent is the niece of the testatrix, who is the sister of the petitioner. The petitioner is the sole beneficiary under the said Will. The testatrix has not appointed any executor under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner states that the testatrix was married to one Sivashankar Mudaliar and he pre-deceased her and out of the wedlock they have no issues. The petitioner has been examined as P.W.1. He has produced the death certificates of the testatrix V.M.Ambal and Rajathi Kothandaraman (sister of the testatrix, who is also the mother of the petitioner and the second respondent) as, Exs.P4 and P5. The Original unregistered Will dated 22.05.2017 has been marked as Ex.P1. The respondents have expressed their consent to grant Letters of Administration in favour of the petitioner and their consent affidavits are marked as Exs.P10 and P11. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Mr.K.S.Krishna Kumar, who is the first attesting witness to the said Will as P.W.2. He has spoken about the



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execution of the Will by the testatrix and its attestation by himself.

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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 petitioner, in respect of the Will dated 22.05.2017 of the testatrix V.M.Ambal. 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.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

Petitioner's witness:

P.W.1 - Mr.C.K.Manickaraj

P.W.2 – K.S.Krishna Kumar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will dated 22.05.2017 executed by Mrs.V.M.Ambal
Ex.P2	Photocopy of the family card



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	Copy of the letter sent by the petitioner to the Manager TNHB, Anna Nagar Division, Thirumangalam
Ex.P4	Computer generated death certificate of Mrs.V.M.Ambal
Ex.P5	Computer generated death certificate of Rajathi Kothandaraman
Ex.P6	Photocopy of the proceedings of the Superintendent Engineer dated 17.06.1982
Ex.P7	Affidavit of assets showing the net value of estate as Rs.34,90,000/-
Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 28.01.2023
Ex.P9	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 04.02.2023
Ex.P10	Consent affidavit given by the 1 st respondent
Ex.P11	Consent affidavit given by the 2 nd respondent
Ex.P12	Affidavit of the 1 st attesting witness PW2

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