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O.P.No.965 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.965 of 2016

1.P.V.Natarajan (Sr.citizen)
2.P.N.Pavithra

... Petitioners

Vs.

1.Lakshmi Raman
2.P.R.Geetha
3.P.R.Santha
4.P.R.Saraswathy
5.P.R.Annapoorani
6.P.R.Lalitha
7.P.R.Mangalam
8.P.K.Viswanathan
9.P.K.Harikrishnan
10.Saroja
11.G.Latha
12.G.Ravi
13.G.Jayanthi
14.G.Geetha
15.P.V.Narayanan
16.P.V.Rajam
17.P.V.Parameshwaran
18.P.V.Swarnam
19.Devi Ramaseshan
20.Lakshmi

... Respondents



Prayer: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act 1925 r/w XXV Rule 5 of the Original Side Rules, petitioners pray that Letters of Administration with the Will dated 01.08.1997 annexed may be granted to the petitioners as brother's daughter/beneficiaries under the Will of the deceased.

For Petitioners : Mr.P.Mohanraj

For Respondents : No Appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 01.08.1997 executed by late P.V.Sankaran, who died on 07.11.2006. The 1st petitioner and 15th respondent are brothers of the testator and 2nd petitioner is the daughter of the 1st petitioner. 20th respondent is the wife of the first petitioner. 16th and 19th respondents are the sisters of the testator. The respondents 1 to 7 are the legal heirs of P.V.Raman (brother of the testator), respondents 8 and 9 are the legal heirs of P.V.Krishnan (brother of the testator), respondents 10 to 14 are the legal heirs of P.V.Govindan (brother of the testator), 17th and 18th respondent are the niece and nephew 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 1st petitioner has been examined as P.W.1. He has produced the death certificate of the testator P.V.Shankaran as, Ex.P2. The Original registered Will dated 01.08.1997 has been produced as Ex.P1. The 3rd respondent has been examined as R.W.1, he has deposed that he is filing a proof affidavit on behalf of himself and on behalf of respondents 1, 2 and 4 to 20 as authorised by the other respondents. He has submitted that the testator is one among the brother of his father who died as a bachelor and executed the will dated 01.08.1997 registered as a document No.123/1997, on the file of Sub Registrar Puraswalkam, bequeathing the property to the petitioners. He further states that he and other respondents as legal heirs of the testator has no objection for the grant of letters of administration in favour of the petitioners in the scheduled mentioned properties. The third respondent has also given his consent affidavit for grant of letters of administration in favour of the petitioners and the consent affidavit is marked as Ex.P3. A paper



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publication has been made and any objections have not been received.

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3.The petitioner has examined one Mr.Jaganatha Rao, 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.D.Govindaswamy.

4. In view of the above said facts and evidence, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioners, in respect of the Will dated 01.08.1997 of the testator P.V.Shankaran. 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

Internet: Yes/ No

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Petitioner's witness:

P.W.1- Mr.P.V.Natarajan

P.W.2- Mr.Jaganatha Rao

Respondent's witness

R.W.1- Ms.P.R.Shantha

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original registered Will dated 01.08.1997 executed by P.V.Sankaran
Ex.P2	The original death certificate of P.V.Sankaran
Ex.P3	Consent affidavit given by the respondent
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.2,65,000/-
Ex.P5	The copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 23.12.2017
Ex.P6	The copy of paper publication effected in one issue of English daily "News Today" dated 31.12.2017
Ex.P7	The original death certificate of Mr.P.V.Govindan
Ex.P8	The computer generated death certificate of Mr.P.V.Raman
Ex.P9	The photocopy of the legal heirship certificate of Mr.P.V.Raman
Ex.P10	The original death certificate of Mr.P.V.Krishnan
Ex.P11	The photocopy of first petitioner's Aadhaar card
Ex.P12	The photocopy of first petitioner's Family card
Ex.P13	The photocopy of first petitioner's voter identity card



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<i>Exhibits</i>	<i>Documents</i>
Ex.P14	Consent affidavit given by the third respondent
Ex.P15	The original water charges/sewerage service charges card standing in the name of Mr.P.V.Sankaran
Ex.P16	The original Property Tax demand card standing in the name of Mr.P.V.Sankaran
Ex.P17	The original Electricity Bill Card
Ex.P18	The original special Power of Attorney dated September 2017 in favour of P.R.Shantha
Ex.P19	The photocopy of the Deed of Rectification dated 10.10.1996
Ex.P20	The photocopy of the Sale Deed dated 07.06.1958

<i>Exhibits</i>	<i>Documents</i>
Ex.R1	The original authorization letter given by all the respondents in favour of the third respondent

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