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O.P.No.23 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.04.2023

CORAM

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

O.P.No.23 of 2022

1.G.Ravindran

2.A.Jayasheela

... Petitioners

Vs

1.A.NG.Selvaraj

2.A.N.G.Jayaprakash

3.G.Balakrishnan

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232, 255 & 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 one of the sons and daughters/ beneficiaries/ legatees limited to the assets as specified in the affidavit of assets.

For Petitioners : Mr.P.B.Ramanujam

For Respondents : Mr.P.Rajesh

ORDER

This Original Petition has been filed for issuance of Letters of



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Administration in respect of the Will dated 30.11.1998 executed by late G.Rojappu Thyammal @ G.Roja @ G.Rojappu, who died on 26.05.2003.

The first petitioner and respondents are the sons and the second petitioner is the daughter of the testatrix. The petitioners are the beneficiaries under the said Will. The testatrix has not appointed any executor 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 first petitioner has been examined as P.W.1. He has produced the death certificate of the testatrix G.Rojappu Thyammal @ G.Roja @ G.Rojappu as, Ex.P1. The Original registered Will dated 30.11.1998 has been produced as Ex.P2, and the legal heirship certificate of the testatrix husband is produced as Ex.P3. A perusal of Ex.P3 shows that the testatrix, petitioners and the respondents are the Class-I legal heirs. The respondents have given their consent to grant Letters of Administration in favour of the petitioners, and their consent affidavits are marked, as Exs.P5 to P7.

3. The petitioners has examined one Mr.M.D.Santhakumar, 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 testatrix and its attestation by himself and Mr.K.Ramasamy.



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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 30.11.1998 of the testatrix G.Rojappu Thyammal @ G.Roja @ G.Rojappu. 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 - Mr.G.Ravindran

P.W.2 – Mr.M.D.Santhakumar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of G.Rojappu Thyammal Alias G.Roja Alias G.Rojappu
Ex.P2	Original registered Will dated 30.11.1998 executed by G.Roja alias G.Rojappu Thyammal



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	Photocopy of the legal heirship certificate of A.N.Govindasamy Nadar
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.5,00,00,000/-
Ex.P5	Consent affidavit given by the 1 st respondent
Ex.P6	Consent affidavit given by the 2 nd respondent
Ex.P7	Consent affidavit given by the 3 rd respondent
Ex.P8	Copy of paper publication effected in one issue of Tamil daily “Maalai Kural”dated 16.09.2022
Ex.P9	Copy of paper publication effected in one issue of English daily “Trinity Mirror”dated 24.09.2022
Ex.P10	Affidavit of the attesting witness PW2

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