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O.P.No.590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.590 of 2022

1.Mrs.B.Radhika
2.Mr.Bode Vijayakrishna Reddy
3.Mrs.Sonitha Reddy ... Petitioners
Vs.
Mrs.Bode Vijayalakshmi Respondent

PRAYER : Original Petition is filed under Sections 232 & 276 of the Indian Succession Act, 1925 r/w. Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed may be granted to the petitioners 2 & 3 as the son and daughter and legatees/beneficiaries named under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Mr.K.Balaji

ORDER

This Original Petition has been filed under Sections 232 & 276 of the Indian Succession Act, 1925 r/s Order XXV, Rule-5 of the Original Side Rules seeking for grant of Letters of Administration with the Will annexed of the properties and credits of the deceased to the second and third petitioners.



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2. The averments in the petition are as follows:-

WEB COPY Mr.Bode Muralikrishna Reddy @ Murali Reddy died on 08.01.2021.

The petitioners are the wife and the children of the deceased. The respondent is the mother of the deceased. The father of the deceased predeceased him. During the life time of Bode Muralikrishna Reddy @ Murali Reddy, he executed a Will dated 28.12.2018 by bequeathing and giving life interest to the first petitioner and after the life time of the first petitioner, absolute interest to the second petitioner for the property at Old No.1, New No.2, Acharappan Lane, George Town, Chennai 600 001. He also bequeathed the immovable property at Door No.6/75, Old No.6/75, Old No.6/31, Pappulu Veedhi, Stone House Pet, Nellore, Andhra Pradesh to the second petitioner and he bequeathed the agricultural land at Andhra Pradesh to the third petitioner. Since Bode Muralikrishna Reddy died, this Petition has been filed seeking letters of administration in respect of the Will dated 28.12.2018 to the petitioners 2 and 3.

3. The second petitioner examined himself as P.W.1, Mr.N.E.Soundararajan was examined as P.W.2, Mr.M.Sudhakar was examined as P.W.3 and Mr.R.Vijay was examined as P.W.4 and marked Exhibits P1 to P16 which are tabulated hereunder:



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Exhibits	Documents
P1	The certified copy of the sale deed dated 25.08.2004 executed in favour of Mr.Bode Muralikrishna Reddy @ Murali Reddy.
P2	The certified copy of the Release Deed dated 04.05.2005 executed in favour of Mr.B.Murali Krishna Reddy.
P3	The photocopy of the Settlement Deed in Telugu dated 25.05.2005 executed in favour of Mr.Bode Muralikrishna Reddy along with its translation.
P4	The certified copy of the Sale Deed dated 18.10.2006 executed in favour of Mr.Bode Muralikrishna Reddy and 3 others.
P5	The downloaded copy of the Adangal standing in the name of Bode Muralikrishna Reddy.
P6	The original unregistered Will dated 28.12.2018 executed by Mr.Bode Muralikrishna Reddy @ Murali Reddy.
P7	The computer generated death certificate of Mr.B.Muralikrishna Reddy.
P8	The computer generated legal heirship certificate of Mr.B.Muralikrishna Reddy.
P9	The photocopy of Aadhaar card of the 1 st petitioner.
P10	The photocopy of the Aadhaar card of the 2 nd petitioner.
P11	The photocopy of the Aadhaar card of the 3 rd petitioner.
P12	The affidavit of assets showing the net value of the estate as Rs.1,10,00,000/-.
P13	The copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 15.04.2023.
P14	The copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 28.04.2023.
P15	The certificate under Section 65B of the Evidence Act.
P16	The original letter dated 04.07.2023 issued by HDB Finance Service Limited.

4. The original Will dated 28.12.2018 is marked as Ex.P6. Ex.P7 is the death certificate of Mr.B.Muralikrishna Reddy. Ex.P8 is the legal



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heirship certificate of Mr.B.Muralikrishna Reddy. The paper publication issued in one issue of "Makkal Kural" on 15.04.2023 and in one issue of "Trinity Mirror" on 28.04.2023 did not attract any objectors and the same has been marked as Exhibits P13 & P14.

5. Mr.N.E.Soundararajan was examined as P.W.2. In his evidence, he stated that Mr.Bode Muralikrishna Reddy is his daughter's father-in-law. Mr.Bode Muralikrishna Reddy executed Ex.P6 Will on 28.12.2018 at his residence in his presence and in the presence of Mr.M.Sudhakar. At the request of Mr.Bode Muralikrishna Reddy, he signed the Will as the 1st attester. Mr.Bode Muralikrishna Reddy was in a sound and disposing state of mind and in good health at the time of execution of Ex.P6 Will.

6. Mr.M.Sudhakar was examined as P.W.3. In his evidence, he stated that Mr.Bode Muralikrishna Reddy is his childhood friend. The signature found in Ex.P6 Will is that of Mr.Bode Muralikrishna Reddy. Ex.P6 Will was prepared as per the instruction of Mr.Bode Muralikrishna Reddy on 28.12.2018 at his residence in his presence and in the presence of Mr.N.E.Soundararajan. At the request of Mr.Bode Muralikrishna Reddy, he signed as the 2nd attester. Mr.Bode Muralikrishna Reddy was in a sound and



disposing state of mind and in good health at the time of execution of Ex.P6

Will.

7. Mr.R.Vijay was examined as P.W.4. In his evidence, he stated that he is the co-brother of the second petitioner. He is the scribe of Ex.P6 Will. Ex.P6 Will has been written by him as per the instruction of Mr.Bode Muralikrishna Reddy. He is well acquainted with the signature of Mr.Bode Muralikrishna Reddy. The signature found in Ex.P6 Will is that of Mr.Bode Muralikrishna Reddy. He also signed the said Will. Mr.Bode Muralikrishna Reddy was in a sound state of mind at the time of execution of Ex.P6 Will. Ex.P6 Will was written by him on 28.12.2018 at his residence in the presence of Mr.N.E.Soundararajan and in the presence of Mr.M.Sudhakar.

8. With the statement of P.W.2, P.W.3 and P.W.4 and other documents in record, the petitioners have proved that the Will has been executed in terms of Section 63(c) of the Indian Succession Act and its genuineness is proved in accordance with Section 68 of the Indian Evidence Act.

9. Hence, this Original Petition is allowed by granting Letters of



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Administration to the second and third petitioners with the Will dated 28.12.2018 of Mr.Bode Muralikrishna Reddy annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioners 2 & 3 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 2 & 3 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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APPENDIX

Petitioners' witness:

P.W.1 – Mr.Bode Vijayakrishna Reddy
P.W.2 – Mr.N.E.Soundararajan
P.W.3 – Mr.M.Sudhakar
P.W.4 – Mr.R. Vijay

Documents marked:

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