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O.P.No.450 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.450 of 2022

1.Nalam Samvartika

D/o.Nalam Venkata Nagar Durga Prasad
Flat No.A-6, Sunview Apartments,
Old No.20, New No.6, Avvai Shamugham Salai First Lane,
Royappettah, Chennai-600 014.

2.Divya Nalam,

D/o.Nalam Venkata Nagar Durga Prasad,
Flat No.A-6, Sunview Apartments,
Old No.20, New No.6, Avvai Shamugham Salai
First Lane,
Royappettah, Chennai-600 014.

.. Petitioners

vs.

Nalam Venkata Naga Durga Prasad

.. Respondent

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act, XXXIX of 1925 and Order XXV Rule 5 of Original Side Rules, prays that the Letters of Administration with the Will annexed may be granted to the petitioners as daughters/beneficiaries under the Will of the said deceased having effect throughout the State of Tamilnadu and thus render justice.



For Petitioners : M/s..A.Umasankar
Gautam S.Raman, Anupam Raghuraman
Gokul Sunder K.R.

ORDER

The petitioners have applied for the grant of letters of administration with the Will of Smt.Nalam Naga Durga dated 06.07.2021 annexed thereto.

2. The petitioners state that they are the daughters of Smt.Nalam Naga Durga. They further state that she executed a Will dated 06.07.2021 by which she bequeathed the immovable properties mentioned therein to the petitioners. The petitioners state that the Will was executed in the presence of Mr.Chakka Nageswara Rao and Mr.R.Prem Kumar. The testatrix died, thereafter, on 12.07.2021. Since no executor was named in the Will, it is stated that the beneficiaries have presented this petition. The husband of the testatrix is joined as the sole respondent.

3. In order to prove the Will, the petitioners adduced evidence by examining the second petitioner as PW1. In course of her examination-in-chief, the 12 documents listed at the foot of this order were exhibited as



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Exs.P1 to P12. The original Will (Ex.P3) discloses that it was executed at Chennai by the testatrix. The said document was registered as Document No. 48 of 2021 in Book 3, SRO, Mylapore, Chennai. The Will further discloses that it was attested by two witnesses, Mr.Chakka Nageswara Rao and Mr.R.Prem Kumar. The entire estate of the testatrix has been bequeathed equally to the two petitioners herein. The death certificate of the testatrix (Exs.P4) discloses that she died on 12.07.2021. As evidence of title of the testatrix to the immovable assets bequeathed under the Will, Exs.P1 and P2 are placed on record. The consent affidavits of the first petitioner and the respondent are on record (Exs.P9 & P10 respectively). Paper publications were effected (Exs.P11 and P12).

4. One of the attesting witnesses, Mr.Chakka Nageswara Rao, was examined as PW2. He deposed that the testatrix was his daughter. He further deposed that the testatrix executed the Will in his presence and was in a sound and disposing state of mind at the time of the execution of the Will.



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5. Based on the evidence adduced by the petitioners, the Will stands duly proved. Consequently, the petitioners are entitled to the relief claimed.

6. Accordingly, O.P.No.450 of 2022 is allowed by granting letters of administration to the petitioners with the last Will and testatment dated 06.07.2021 of Smt.Nalam Naga Durga annexed thereto. Such letters of administration shall have effect throughout the State of Tamilnadu. 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 shall submit 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

Petitioner's witness:

P.W.1 – Ms.Divya Nalam

P.W.2 – Mr.Chakka Nageswara Rao

Documents exhibited by the petitioners:



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<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The photocopy of the Sale Deed dated 13.12.2002 (Compared with the original).
Ex.P2	The photocopy of the Sale Deed dated 25.06.2015 (Compared with the original).
Ex.P3	The original Will dated 06.07.2021 executed by Nalam Naga Durga.
Ex.P4	The computer generated death certificate of Nalam Naga Durga.
Ex.P5	The photocopy of my Aadhaar Card (Compared with the original).
Ex.P6	The photocopy of the Aadhaar card of the respondent (Compared with the original).
Ex.P7	The photocopy of the PAN card of one of the attesting witnesses Mr.Nageswara Rao Chakka (Compared with the original)
Ex.P8	The affidavit of assets showing the net value of the estate as Rs.50,00,000/-.
Ex.P9	The consent affidavit given by the 1 st petitioner.
Ex.P10	The consent affidavit given by the respondent.
Ex.P11	The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 11.12.2022.
Ex.P12	The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 19.12.2022.
Ex.P13	Affidavit of attesting witness Mr.Chakka Nageswara Rao

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