



O.P.No.166 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.08.2023**

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

O.P.No.166 of 2022

1. R.Umadevi	
2. R.Maheswari	
3. R.Sarada Devi	... Petitioners
Vs.	
1. J.Yamuna	
2. B.Padmini	... Respondents

Original Petition is filed under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of Original Side Rules seeking for grant Letters of Administration with the Will dated 03.05.1993 annexed, to the petitioners as Daughter in law R.Umadevi and Grand daughters R.Maheswari and Sarada Devi, legal heirs of Jayavelu/beneficiary named under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Mr.R.Manickavel

For Respondents : Mr.K.S.Rajasekar for R1
R2-No Appearance
Mr.D.Sekhar
Advocate Commissioner



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ORDER

This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 read with under Order XXV Rule 5 of Original Side Rules seeking issuance of Letters of Administration with the Will dated 03.05.1993 annexed, to the petitioners as Daughter in law R.Umadevi and Grand daughters R.Maheswari and Sarada Devi, legal heirs of Jayavelu/beneficiary named under the Will of the said deceased having effect limited to the State of Tamil Nadu.

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

The properties described in the affidavit of assets belong to one Jayavelu, who is the father-in-law of the first petitioner and grandfather of the petitioners 2 and 3. The said Jayavelu died on 26.02.2016. During his lifetime, he executed a registered Will dated 03.05.1993 registered as Doc.No.64 of 1993 at the S.R.O., Sembium bequeathing the petition mentioned property in favour of his son Ravi and in case, Ravi dies, his wife and the daughter are entitled to acquire the same. The second petitioner is also one of the daughters of the deceased Ravi.



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3. The first petitioner R.Umadevi examined herself as PW.1 and marked the following documents:-

<i>Exhibits</i>	<i>Documents</i>
P3	Computer generated death certificate of Mr.B.Jayavelu
P4	Computer generated death certificate of Mr.J.Ravi
P5	Photo copy of the acknowledgment for the amount received by the 2 nd respondent from Mr.Jayavelu (Compared with the original).
P6	Photo copy of my Aadhar Card (Compared with the original)
P7	Photocopy of the Aadhar Card of the 2 nd petitioner (Compared with the original)
P8	Photocopy of the Aadhar Card of the 3 rd petitioner (Compared with the original)
P9	Copy of paper publication in one issue of Tamil daily in “Makkal Kural” dated 12.10.2022.
P10	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 19.01.2022.
P11	Affidavit of assets showing the net value of the estate as Rs.1,20,00,000/-.
P12	Photocopy of the legal heir certificate of J.Ravi (Compared with the original)
P13	Photocopy of the sale deed dated 20.09.1963 executed in favour of B.Jayavelu (compared with the original)

4. The attesor of the will has been examined through the Advocate



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Commissioner as PW2 and marked the following documents:-

<i>Exhibits</i>	<i>Documents</i>
P1	Original Will
P2	Affidavit of Victor Devadoss

5. PW2 has stated in his evidence that he has seen the testator signed the Will in his presence and he had also attested the same.

6. News paper publication effected in one issue of Tamil Daily “Makkal Kural” and one issue of English Daily “Trinity Mirror”, attracted no objectors.

7. With the evidence available on record, the petitioners were able to prove the genuineness of the Will. Having satisfied with the submission made by the learned counsel for the petitioners and appreciating the evidence on record, the petitioners are entitled to the reliefs as prayed for.

8. Accordingly, this Original Petition is allowed by granting Letters of Administration to the petitioners 1 to 3 with the Will dated 03.05.1993 of B.Jayavelu. 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 are



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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/ Non speaking Order

Neutral Citation:Yes/ No



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R.N.MANJULA, J
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