



O.P.No.37 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.04.2023

CORAM

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

O.P.No.37 of 2022

1.Mrs.Jamuna @ Yamua

2.Yasotha

... Petitioners

PRAYER: Original Petition filed for issuance of Letters of Administration

under Section 232 & 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 daughters of the deceased/ legate beneficiary under the Will of the said deceased.

For Petitioners : Ms.Shalini
for Mr.S.Jaganathan

ORDER

This Original Petition has filed for issuance of Letters of Administration in respect of the Will dated 29.09.2005 executed by S.Vasanth, who died on 04.06.2021. The petitioners are the daughters of the testatrix S.Vasanth. The petitioners are the beneficiaries under the Will. The testatrix has not appointed any executor under the Will. The petitioners seek issuance of Letters of



O.P.No.37 of 2022

Administration in respect of the properties situate within the jurisdiction of this Court.

2. The first petitioner has been examined as P.W.1. She has produced the death certificates of the testatrix S.Vasanth, and S.Bakthavachalam (first attesting witness) and G.Mani (second attesting witness) as Exs.P1, P11 and P12. The legal heirship certificate of the testatrix S.Vasanth, has been marked as Ex.P2. A perusal of Ex.P2 shows that the petitioners are the only surviving Class-I legal heirs of the testatrix. The Original Will dated 29.09.2005 has been produced as Ex.P10. A paper publication has been made and any objections have not been received.

3. One Mr. B. Nagarajan, who is the son of the first attesting witness was examined as P.W.2, as his father died on 29.08.2015. He has identified the signature of his father late S. Bakthavachalam at the attesting column in the will dated 29.09.2005.

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 29.09.2005 of the testatrix S. Vasanth. The petitioners are directed to



O.P.No.37 of 2022

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.

26.04.2023

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Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioners' witness:

P.W.1 - Mrs.Jamuna @ Yamuna

P.W.2 – Mr.B.Nagarajan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of S.Vasantha
Ex.P2	Computer generated legal heirship certificate of S.Vasantha
Ex.P3	Photocopy of the Sale Deed dated 03.08.1992 executed in favour of S.Vasantha
Ex.P4	Photocopy of the marriage invitation of Jammuna @ Yamuna
Ex.P5	Photocopy of the Aadhar card of E.Jamuna
Ex.P6	Photocopy of the Aadhar card of Yasotha
Ex.P7	Affidavit of assets showing the net value of the estate as Rs.70,00,000/-
Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Maalai Kural" dated 28.12.2022
Ex.P9	Copy of paper publication effected in one issue of English



O.P.No.37 of 2022

<i>Exhibits</i>	<i>Documents</i>
	daily “Trinity Mirror”dated 11.12.2022
Ex.P10	Original registered Will dated 20.09.2005 executed by Mrs.S.Vasantha
Ex.P11	Computer generated death certificate of S.Bakthavahalam who is the 1 st attesting witness to Ex.P10, Will
Ex.P12	Computer generated death certificate of G.Mani who is the 2 nd attesting witness to Ex.P10, Will
Ex.P13	Photocopy of the 3 rd party PW2 Aadhar card
Ex.P14	Affidavit of PW2 as third party

26.04.2023

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O.P.No.37 of 2022

K.KUMARESH BABU,J.

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O.P.No.37 of 2022

26.04.2023