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O.P.No.688 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.04.2023**

CORAM

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

O.P.No.688 of 2021

K.Nagarajan

... Petitioner

Vs

1.Thara Ramamurthy
2.Soumya Ganesh
3.Malathi Balasubramanian
4.N.S.Balasubramanian

... Respondents

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 dated 28.12.2017 annexed thereof to the petitioner as the sister son of the deceased and beneficiary under the Will of the deceased.

For Petitioner : Mr.D.Veda

For Respondents : Ms.J.Satyavathi

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 28.12.2017 executed by late N.S.Krishnamurthy, who died on 27.01.2021. The petitioner is the nephew



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(sister's son) and respondents 1 and 2 are the legal heirs of the deceased brother, respondent 3 is the sister and respondent 4 is the younger brother of the testator. The petitioner is the beneficiary under the said Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner has been examined as P.W.1. He has produced the death certificate of the testator N.S.Krishnamurthy, as Ex.P1. The Original Will dated 28.12.2017 has been produced as Ex.P3. The respondents 1 to 4 had expressed their consent to grant Letters of Administration in favour of the petitioner and their consent affidavits are marked as Exs.P4 to P7. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Mr.N.Sridhar, who is the first attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.K.Arunmoli.

4. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the



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Will dated 28.12.2017 of the testator N.S.Krishnamurthy. The petitioner is 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 petitioner is 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 Citations: Yes/ No

Petitioner's witness:

P.W.1 - Mr.K.Nagarajan

P.W.2 – Mr.N.Sridhar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of N.S.Krishnamurthi
Ex.P2	Photocopy of the sale deed dated 25.10.1990 in favour of N.S.Krishnamurthy
Ex.P3	Original Will dated 28.12.2017 executed by N.S.Krishnamurthy
Ex.P4	Consent affidavit given by the 1 st respondent
Ex.P5	Consent affidavit given by the 2 nd respondent



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<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Consent affidavit given by the 3 rd respondent
Ex.P7	Consent affidavit given by the 4 th respondent
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.30,00,000/-
Ex.P9	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 31.01.2023
Ex.P10	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 07.02.2023
Ex.P11	Affidavit of the attesting witness PW2

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