



O.P.No.646 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU
O.P.No.646 of 2022

T.Nirupama

... Petitioner

Vs

T.Adinarayana

... Respondent

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 in favour of the petitioner, the niece of the testator as the sole beneficiary under the said Will dated 02.02.2006.

For Petitioner : Mr.N.V.R.Suresh

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 02.02.2006 executed by late



O.P.No.646 of 2022

T.Saraswathi, who died on 03.11.2019. The petitioner is the niece, who is also the brother's daughter of the testatrix. The respondent is the brother of the testatrix, who is also the father of the petitioner. The petitioner is the sole beneficiary under the said Will. The testatrix has not appointed any executor under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner states that the testatrix remained unmarried till her death, and testatrix has no other surviving brother or sister other than the respondent herein. The petitioner has been examined as P.W.1. She has produced the death certificate of the testatrix T.Saraswathi as, Ex.P2. The Original registered Will dated 02.02.2006 has been marked as Ex.P1. The respondent has expressed his consent to grant Letters of Administration in favour of the petitioner and his consent affidavit is marked as Ex.P10. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Ms.Kalyani, who is the first attesting witness to the said Will as P.W.2. She has spoken about the execution of the Will by the testatrix and its attestation by herself. One Ms.Revathi, who is the second attesting witness to the said Will was



O.P.No.646 of 2022

examined as P.W.3. She has also spoken about the execution of the Will by the testatrix and its attestation by herself in the presence of P.W.2.

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 Will dated 02.02.2006 of the testatrix T.Saraswathi. 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.

28.04.2023

gba

Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.T.Nirupama

P.W.2 – Ms.Kalyani

P.W.3 – Ms.C.Revati

Documents exhibited by the petitioner:



O.P.No.646 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will dated 02.02.2006 executed by T.Saraswathi
Ex.P2	Computer generated death certificate of T.Sarawathi
Ex.P3	Original Burial Ground death report of T.Saraswathi issued by Greater Chennai Corporation
Ex.P4	Photocopy of the Sale Deed dated 01.09.1993 executed in favour of T.Saraswathi
Ex.P5	Photocopy of the property tax demand card of T.Saraswathi
Ex.P6	Online print out of property tax receipt of T.Saraswathi
Ex.P7	Photocopy of the Water and Sewerage Tax cum charges/ services card
Ex.P8	Photocopy of the Electricity Consumption Charges card
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.62,86,600/-
Ex.P10	Consent affidavit of the respondent herein
Ex.P11	Copy of paper publication effected in one issue of Tamil daily "Dina Kural" dated 17.02.2023
Ex.P12	Copy of paper publication effected in one issue of English daily "Southern Mail" dated 25.02.2023
Ex.P13	Affidavit of the 1 st attesting witness PW2
Ex.P14	Affidavit of the 2 nd attesting witness PW3

28.04.2023

gba



WEB COPY



O.P.No.646 of 2022

K.KUMARESH BABU,J.

gba

O.P.No.646 of 2022

28.04.2023