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O.P.No.552 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.552 of 2022

1.G.Bharathi
2.S.Sivakumar
3.S.Ravikumar
4.V.Sundar

...

Petitioners

Vs

R.Santhanam

...

Respondent

PRAYER: Original Petition filed for issuance of Letters of Administration with Will annexed under Section 232 & 276 of the Indian Succession Act, r/w. Order XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with the Will annexed may be granted to the petitioners who are bothers' children of Deceased R.Balasubramaniam as beneficiaries under the Will of the said deceased having effect throughout the State of Tamilnadu.

For Petitioners : M/S.S.Revathy

For sole respondent: M/S.Ramadevi



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ORDER

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2. The petition mentioned schedule property belonged to late R.Balasubramaniam as his self acquired and ancestral properties. The said R.Balasubramaniam during his life time had executed a Will on 13.04.2015 and bequeathed the petition mentioned properties in favour of the petitioners herein. The said R.Balasubramaniam died on 20.01.2016 and thereafter, the Will has come into effect. By making the above submission the petitioners filed this petition for seeking grant of Letters of Administration.

3. The petitioners 1 to 4 are the brothers' children of late R.Balasubramaniam and in order to show that late R.Balasubramaniam had acquired the properties, Ex.P 8, 9,10,11,12, 13, 14 & 15 have been produced.

4. The 4th petitioner has examined himself as PW.1 and through him Ex.P.1 to Ex.P.29 were marked.



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5. The original Will executed by R.Balasubramaniam is marked as Ex.P.16. One of the attesting witness Ashish Nawalgaria has been examined as PW.2 and his affidavit is marked as Ex.P.30. In the said affidavit the attesting witness has stated that he was present at the time when the Will was written and he had signed as an attesting witness in the Will and he also identified the testator's signature also. One of the brother of the deceased by name R.Santhanam has also given consent affidavit that he did not file any caveat and his consent affidavit has been marked as Ex.P.26.

6. By examining the attesting witness and by producing all the documents along with the Will and also that the petitioners are the brothers' children of late R.Balasubramaniam, the Will dated 13.04.2015 is proved to be true and genuine. Since the testator R.Balasubramaniam died, granting Letters of Administration for proper management of the properties as claimed by the petitioners is essential.

5. Hence, this Original Petition is allowed and Letters of Administration is granted with the certified copy of the Will annexed in favour of the petitioners in respect of the Will dated 13.04.2015 of the



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testator R.Balasubramaniam. The petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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.

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APPENDIX

Petitioner's witness:

P.W.1 – V.Sundar

P.W.2 – Ashish Nawalgaria

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Aadhar Card of the 1 st petitioner
Ex.P2	Photocopy of the Aadhar Card of the 2 nd petitioner
Ex.P3	Photocopy of the Aadhar Card of the 3 rd petitioner
Ex.P4	Photocopy of the Aadhar Card of the 4 th petitioner
Ex.P5	Photocopy of the Aadhar Card of the respondent
Ex.P6	Computer generated death certificate of Rajagopal
Ex.P7	Computer generated death certificate of Rukmani Ammal
Ex.P8	Photocopy of the Sale Deed dated 17.11.1972 in favour of R.Balasubramaniam
Ex.P9	Photocopy of the Sale Deed dated 31.01.1990 in favour of R.Balasubramaniam
Ex.P10	Downloaded copy of the Patta bearing No.1800 in favour of R.Balasubramaniam and his brothers
Ex.P11	Downloaded copy of the Patta bearing No.1163 in favour of R.Balasubramaniam and his brothers
Ex.P12	Downloaded copy of the Patta bearing No.1153 in favour of R.Balasubramaniam and his brothers
Ex.P13	Downloaded copy of the Patta bearing No.1801 in favour of R.Balasubramaniam and his brothers
Ex.P14	Downloaded copy of the Patta bearing No.1245 in favour of R.Balasubramaniam and his brothers
Ex.P15	Photocopy of the name transfer receipt dated 13.05.2022
Ex.P16	Original Will dated 13.04.2015 executed by R.Balasubramaniam



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<i>Exhibits</i>	<i>Documents</i>
Ex.P17	Computer generated death certificate of R.Balasubramaniam
Ex.P18	Photocopy of the relationship certificate of R.Balasubramaniam
Ex.P19	Computer generated death certificate of Subbaraman
Ex.P20	Photocopy of the legal heirship certificate of Subbaraman
Ex.P21	Computer generated death certificate of N.Sundari
Ex.P22	Computer generated death certificate of R.Viswanathan
Ex.P23	Photocopy of the legal heirship certificate of R.Viswanathan
Ex.P24	Computer generated death certificate of V.Jayalakshmi
Ex.P25	Computer generated legal heirship certificate of V.Jayalakshmi
Ex.P26	Consent affidavit given by the respondent
Ex.P27	Affidavit of assets showing the net value of the estate as Rs.1,30,50,000/-
Ex.P28	Copy of the paper publication effected in Tamil daily “Dina Kural” dated 16.03.2023
Ex.P29	Copy of the paper publication effected in English daily “Souther Mail” dated 24.03.2023
Ex.P30	Affidavit of the attesting witness Ashish Nawalgaria

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