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O.P.No.571 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.04.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.571 of 2021

G.Shyam Prasad

... Petitioner

Vs

1.G.Rama Prasad Alias Ram Prasad

2.G.Neelima

3.G.Bhagyavathy

4.G.Lakshmidevi

5.G.Bhaskar

6.G.Jayanthi alias Jalaja

7.G.Prabhkar alias Prakash

8.G.Subbaratnam

9.G.Rajesekar

10.G.Chiranjeevi

11.G.Venkatesh

12.G.Chandra

13.G.Hemavathi

14.G.Vanajakshi

15.G.Vamsi Krishna

G.Anand

17.G.Vasundara

18.G.Subashini

... 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 of the deceased annexed may be granted to the petitioner as grandson/ beneficiary under the last Will and testament of deceased, G.Nagiah.



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For Petitioner : Mr.Mithreyi Kasthurirangan
for Mr.K.Harishankar

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 01.04.1995, executed by late G.Nagiah, who died on 01.05.2000. The petitioner, first, fifth, seventh, ninth, tenth, fifteenth and sixteenth respondents are grandsons, second, sixth, seventeenth and eighteenth respondents are granddaughters, eleventh respondent is son, third, fourth and eight respondents are daughter in-laws and twelfth, thirteenth and fourteenth respondents are daughters of the testator. The petitioner and the first, fifth, seventh, ninth, tenth and fifteenth respondents are the beneficiaries under the Will. The testator 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 has been examined as P.W.1. He has produced the death certificate of the testator G.Nagiah as, Ex.P2. The Original registered Will dated 01.04.1995, has been produced as Ex.P1. The legal heirship certificate of the testator has been produced as Ex.P3. A perusal of Ex.P3



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shows that the eleventh, twelfth, thirteenth and fourteenth respondents are the only surviving Class-I legal heirs of the testator. The respondents have expressed their consent to grant Letters of Administration in favour of the petitioner, and their consent affidavits are marked as Exs.P5 to P22. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Mr.G.Anand, 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.R.V.Narayanan.

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 01.04.1995 of the testator G.Nagiah. 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



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Speaking order: Yes/ No

Neutral citation: Yes/ No

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Petitioner's witness:

P.W.1 - Mr.G.Shyam Prasad

P.W.2 – Mr.G.Anand

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will dated 01.04.1995 executed by Mr.G.Nagiah
Ex.P2	Original death certificate of Mr.G.Nagiah
Ex.P3	Photocopy of the legal heir certificate of Mr.G.Nagiah
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.1,27,83,500/-
Ex.P5	Consent affidavit given by the 1 st respondent
Ex.P6	Consent affidavit given by the 2 nd respondent
Ex.P7	Consent affidavit given by the 3 rd respondent
Ex.P8	Consent affidavit given by the 4 th respondent
Ex.P9	Consent affidavit given by the 5 th respondent
Ex.P10	Consent affidavit given by the 6 th respondent
Ex.P11	Consent affidavit given by the 7 th respondent
Ex.P12	Consent affidavit given by the 8 th respondent
Ex.P13	Consent affidavit given by the 9 th respondent
Ex.P14	Consent affidavit given by the 10 th respondent
Ex.P15	Consent affidavit given by the 11 th respondent
Ex.P16	Consent affidavit given by the 12 th respondent



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<i>Exhibits</i>	<i>Documents</i>
Ex.P17	Consent affidavit given by the 13 th respondent
Ex.P18	Consent affidavit given by the 14 th respondent
Ex.P19	Consent affidavit given by the 15 th respondent
Ex.P20	Consent affidavit given by the 16 th respondent
Ex.P21	Consent affidavit given by the 17 th respondent
Ex.P22	Consent affidavit given by the 18 th respondent
Ex.P23	Photocopy of the sale deed dated 03.11.1958
Ex.P24	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural"
Ex.P25	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 30.08.2022
Ex.P26	Affidavit of the 1 st attesting witness PW2

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