



O.P.No.464 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 464 of 2021

A.Loganathan

...

Petitioner

Vs.

1. Selvam

2. Suguna

3. Balu

4. Ammu

5. Devaraj

6. Deepak Raj

... Respondents

Original Petition is filed under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration with the Will dated 22.11.1995 annexed of the properties and credits of deceased to the petitioner as son / beneficiary under the Will of the said deceased to have effect limited to the State of Tamil Nadu.

For Petitioner : Ms.N.Rabiya

For Respondents : No appearance



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ORDER

WEB COPY This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration with the Will dated 22.11.1995 annexed to the properties and credits of deceased, to the petitioner as son / beneficiary to have effect limited to the State of Tamil Nadu.

2.The averments in the petition are as follows:-

The petition mentioned property belonged to one A.Gnanambal @ A.Gnanammal by virtue of a sale deed dated 11.06.2002. The petitioner and the respondents 1 to 4 are the children of late A.Gnanambal. During her lifetime, A.Gnanambal had executed a registered Will dated 22.11.1995 by bequeathing the petition mentioned property in favour of the petitioner. The said A.Gnanambal died on 11.06.2006 leaving behind the petitioner and the respondents as her only legal heirs. The husband of late Gnanambal predeceased her. After the death of A.Gnanambal, the Will came into force. Hence the petitioner has filed this petition seeking Letters of Administration.



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3. The petitioner examined himself as P.W.1 and marked Exs.P1 to P12. One of the attestors of the Will by name D.Thangaraj was examined as P.W.2 and Ex.P13 was marked.

4. The Will dated 22.11.1995 is a registered Will and it has been marked as Ex.P1. The sale deed dated 11.06.2002 in respect of the petition mentioned property executed by Tamil Nadu Slum Clearance Board in favour of A.Gnanambal is marked as Ex.P2. From Ex.P3-death certificate of A.Gnanambal it is seen that she died on 11.06.2006. Ex.P4 is the death certificate of the husband of A.Gnanambal. The legal heirship certificate of A.Gnanambal which is marked as Ex.P6 would show that the petitioner and the respondents 1 to 4 are her only surviving legal heirs. Ex.P5 is the death certificate of Latha, the mother of respondents 5 and 6. The said Latha is one of the daughters of Gnanambal and she predeceased her. The second and fourth respondents have given consent affidavit and they are available as Ex.P9 and P10. Even though the other respondents did not give any consent, they did not raise any objection as they have not chosen to cross-examine the petitioner side witnesses.



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5. Paper publication issued in one issue of Tamil daily “Makkal Kural” dated 27.11.2022 and in one issue of English daily “Trinity Mirror” dated 11.10.2022 attracted no objectors.

6. One of the attestors of the Will by name D.Thangaraj has been examined as P.W.2 and he had stated in his evidence that himself along with one G.Murthy were present at the time when the Will was executed by the testatrix and he had stated that the testatrix was in sound and disposing state of mind at the time of execution of the Will. He further stated that he had subscribed his signature along with G.Murthy in the presence of testatrix.

7. The evidences of PW.1 and PW.2 and the documents available on record would show that the Will has been executed as per the terms of Section 63(c) of the Indian Successions Act and the same has been proved in terms of Section 68 of the Indian Evidence Act. The respondents have no objection in granting Letters of Administration in favour of the petitioner. Since the petitioner had proved the genuineness of the Will, the relief sought shall be granted.



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8. Accordingly, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 22.11.1995 of A.Gnanambal annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. 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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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – Mr.A.Loganathan

P.W.2 – Mr.D.Thangaraj

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Original Will dated 22.11.1995 executed by Mrs.A.Gnanambal
P2	Photocopy of the sale deed dated 11.06.2002 in favour of Gnanambal
P3	Original death certificate of Gnanambal
P4	Photocopy of the death certificate of Annamalai
P5	Computer generated death certificate of D.Latha
P6	Original legal heirship certificate of Gnanambal
P7	Photocopy of petitioner's Aadhaar Card
P8	Affidavit of assets showing the net value of estate as Rs.68,00,000/-
P9	Consent affidavit of second respondent
P10	Consent affidavit of fourth respondent
P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" on 27.11.2022
P12	Copy of paper publication effected in one issue of English daily "Trinity Mirror" on 11.10.2022
P13	Affidavit of P.W.2

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