



O.P.NO.689 OF 2022

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WEB CO **N.SATHISH KUMAR, J.**

This Original Petition has been filed under Sections 232, 255 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of the Original Side Rules, seeking to grant Letters of Administration in respect of the petitioners shares in the property, which is bequeathed by the deceased A.M.Arunachala Mudaliar, who is the father of the first petitioner.

2.The first petitioner is the third son of the deceased A.M.Arunachala Mudaliar and second petitioner is the grand daughter of the deceased A.M.Arunachala Mudaliar and the respondents are daughter, daughter-in-laws, grandsons and granddaughters of the deceased A.M.Arunachala Mudaliar. It is the case of the first petitioner that his father A.M.Arunachala Mudaliar has executed a Will dated 17.05.1963 and the same has been registered as Document No.41 of 1963. The petitioners are one of the beneficiaries and other beneficiaries also filed petitions before this Court in O.P.Nos.542 of 2006 and 528 of 2018 for grant of Letters of Administration in respect of their shares and the same were ordered by this Court. Hence, the petitioners seek Letters of Administration only in respect of



O.P.NO.689 OF 2022

their shares bequeathed under the Will executed by the deceased. According to the petitioners, Item No.I is bequeathed to the first petitioner and Item No.II is bequeathed to the second petitioner.

3.On the side of the petitioners, first petitioner examined himself as P.W.1 and Exs-P.1 to P.17 were marked.

4.The first petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this Original Petition for grant of Letters of Administration in favour of the petitioners in respect of their shares bequeathed under the Will executed by the deceased A.M.Arunachala Mudaliar. Ex-P.1 is the certified copy of the sale deed dated 10.07.1941 executed in favour of A.M.Arunachala Mudaliar; Ex-P2 has been filed to prove that the Testator of the Will died on 24.05.1963. Ex-P.6 is the certified copy of the order dated 27.04.2007 passed by this Court in O.P.No.542 of 2006, which is filed in respect of the Will executed by A.M.Arunachala Mudaliar, wherein this Court has granted Letters of Administration in respect of the shares of the some of the beneficiaries. Ex-P.15 and Ex-P16 are the



O.P.NO.689 OF 2022

paper publications and none have objected for the same. Ex-P.17 is the certified copy of the Will dated 17.05.1963 executed by A.M.Arunachala Mudaliar. The Will executed by the Testator has already been proved before this Court in O.P.Nos.542 of 2006 and 528 of 2018.

5.In view of the above facts, I am of the view that the petitioners have proved their claim and hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

6.Accordingly, this Original Petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioner are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

12.10.2023

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