



O.P.No.28 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

**O.P.No.28 of 2021**

D.Navamani Arputharaj (deceased)

1.S.Kalpana Jebamani

2.N.Prince Ebenezer

3.N.Kingsley Eleazer

(Petitioners 1 to 3 are brought on record vide order dated 03.01.2022 in A.No.4686 of 2021)

... Petitioners

Vs.

1.Santhosh Amalraj

2.D.Ammoni Amutha

3.D.Mabel Ahila

4.D.Jesuvathy Sornalatha

... Respondents

PRAYER : Original Petition is filed under Sections 232, 276 & 300 of the Indian Succession Act 1925 r/w. Order XXV, Rule 5 of Original Side Rules, 1956, prays that Letters of Administration with the Will annexed may be granted to the petitioners / beneficiaries, under the last Will & Testament of the deceased having effect throughout the State of Tamil Nadu or throughout the whole of Union of India.

For Petitioners : No appearance



O.P.No.28 of 2021

## ORDER

**WEB COPY** This Original Petition has been filed seeking for grant of Letters of Administration with the Will annexed of the properties and credits of deceased to the petitioners.

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

The petition mentioned properties were originally belonged to Mrs.Jeya Rose Annathai and she died on 02.02.2013. During her lifetime she executed an unregistered Will dated 23.12.2011 by bequeathing the three items of immovable property owned by her in favour of D.Navamani Arputharaj. The husband of the testatrix predeceased her. Since, the Will came into effect, D.Navamani Arputharaj has filed this petition seeking Letters of Administration. The petitioner D.Navamani Arputharaj also died on 11.04.2021. Hence, the wife and children of D.Navamani Arputharaj have been impleaded as the petitioners. The respondents are other children of the testatrix.

**3.** The first petitioner Kalpana Jebamani examined herself as P.W.1 and Exhibits P1 to P8 were marked.



O.P.No.28 of 2021

4. Ex.P1 is the death certificate of Jeya Rose Annathai David. Ex.P2

legal heir certificate of Jeya Rose Annathai David would show that the petitioners and the respondents are her only surviving legal heirs. Ex.P3 is the Will dated 23.12.2011 executed by the testatrix. Ex.P5 is the death certificate of D.Navamani Arputharaj. Exs.P7 & P8 are the copies of paper publication effected in one issue of English Daily "Trinity Mirror" dated 13.10.2022 and in one issue of Tamil Daily "Makkal Kural" dated 19.10.2022.

5. However the petitioners have not chosen to examine any of the attesting witnesses in order to prove the genuineness of the Will dated 23.12.2011 executed by Jeya Rose Annathai David. Since the Will has not been proved in terms of Section 68 and 69 of the Evidence Act, the petitioners are not entitled to get the relief as prayed.

6. In the result, this Original Petition is dismissed.

**27.09.2023**

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Index: Yes/No



WEB COPY



O.P.No.28 of 2021

**R.N.MANJULA, J.**

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**O.P.No.28 of 2021**

**27.09.2023**