



O.P.No.795 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.04.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.795 of 2021

Hiranmaye

... Petitioner

Vs

1.K.Lakshmanan

2.R.T.Indira

3.V.Maithrayee

4.K.L.Janhavi

... 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 Will annexed to the properties and credits of deceased may be granted to the petitioner as brother's daughter/ beneficiary/ legatee under the Will of the deceased.

For Petitioner : Mr.T.Thiyagarajan

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 21.08.2020 executed by late Y.K.Rajagopalachari, who died on 23.09.2020. The petitioner is the brother's daughter, the respondent one and two are the brother and sister,



O.P.No.795 of 2021

respondents three and four are the sisters of the petitioner, who are also the niece of the testator. The petitioner is the sole beneficiary under the said 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. She has produced the death certificates of the testator Y.K.Rajagopalachari and Y.K.Vimala (wife of the testator) as, Exs.P3 and P2. The Original unregistered Will dated 21.08.2020 has been produced as Ex.P1, and the legal heirship certificate of the testator's wife is produced as Ex.P6. A perusal of Ex.P6 shows that the testator has no issues out of the wedlock, and the wife of the testator had pre-deceased him. Despite the notice served on the respondents none had chosen to appear before this Court either in person or through counsel. Pursuant to the general publications made, any objections have not been received, from the respondents herein or from any other person.

3. The petitioner has examined one Mr.K.Lakshmanan, who is one of the 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



O.P.No.795 of 2021

Mr.S.Srinivasan.

WEB COPY

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 21.08.2020 of the testator Y.K.Rajagopalachari. 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.

21.04.2023

gba

Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.Hiranmaye

P.W.2 – Mr.K.Lakshmanan

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will dated 21.08.2020 executed by



O.P.No.795 of 2021

<i>Exhibits</i>	<i>Documents</i>
	Mr.Y.K.Rajagopalachari
Ex.P2	Computer generated death certificate of Y.K.Vimala
Ex.P3	Computer generated death certificate of Mr.Y.K.Rajagopalachari
Ex.P4	Photocopy of the Sale-Cum-Construction Agreement dated 05.07.2004
Ex.P5	Certified copy of the Sale Deed dated 14.07.2004 executed in favour of Mr.Y.K.Rajagopalachari
Ex.P6	Photocopy of the legal heirship certificate of Y.K.Vimala
Ex.P7	Affidavit of assets showing the net value of the estate as Rs.70,37,000/-
Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Dina Kural" dated 04.11.2022.
Ex.P9	Copy of paper publication effected in one issue of English daily "Southern Mail" dated 12.11.2022
Ex.P10	Affidavit of the attesting witness PW2

21.04.2023

gba



WEB COPY



O.P.No.795 of 2021

K.KUMARESH BABU,J.

gba

O.P.No.795 of 2021

21.04.2023