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O.P.No.812 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.812 of 2019

J.Vatchalabai

... Petitioner

Vs

1.Dharani Subbiah
2.Rama Subbiah
3.J.Bhavana Bai
4.R.Govindharajalu
5.R.Madhavarao
6.R.Pattabi
7.R.Usha
8.V.Sasikala
9.D.Prabakaran
10.D.Sundaresan
11.H.Meera Bai
12.D.Navaneetha Krishnan
13.R.Thulasi

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232, 255 & 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 annexed may be granted to her, as the only legal heir of the beneficiaries of the deceased namely Prakash and Dharmendra.

For Petitioner : Ms.V.Chellammal



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ORDER

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2. The petitioner has been examined as P.W.1. She has produced the death certificate of testator R.Jagannathan, as Ex.P1. The certified copy of the Will dated 31.12.1987 has been produced as Ex.P7. The death certificates of Prakash and Dharmendra are marked as, Exs.P4 and P5. The legal heirship certificate of Dharmendra is marked as Ex.P6. A perusal of Ex.P6 shows that the petitioner is the only surviving legal heir of the



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deceased Dharmendra. The death certificates of pre-deceased and deceased daughters of the testator is marked as Exs.P9 and P10. The respondents 1 and 2 have obtained letters of administration in O.P.No.777 of 2007, with respect to their shares in the properties of the said Will, the certified copy of the orders passed in the said O.P is marked as, Ex.P3. The notice served to respondents 4, 5, 6 and 7 is returned as unclaimed, and notice served to respondents 8 and 9 is returned as refused, and notice served to respondents 10, 11, 12 and 13 is returned as no such person in the address. Further, pursuant to the general publication issued, objections have not been received, in this original petition from the respondents herein or from any other person.

3. The 1st and 2nd respondent, has filed an O.P.No.777 of 2007 in respect of their shares of properties in the above said Will. In which one Mr.V.Thulasingam, who is the attesting witness to the said Will has been examined. He has spoken about the execution of the Will by the testator and its attestation by himself and Mr.Meeran. A Letters of Administration has been issued by this Court in its order dated 26.10.2009 in respect of the said Will as regards to the properties bequeathed in favour of the petitioners therein, who are the 1st and 2nd respondents in this Original Petition.



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4. In view of the above facts and evidence, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 31.12.1987 of the testator R.Jagannathan, in respect of the petition schedule mentioned property. 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

Petitioner's witness:

P.W.1 - Mrs.J.Vatchalabai

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Death certificate of R.Jagannathan dated 18.12.2000
Ex.P2	Certified copy of the petition for grant of letter of administration filed by J.Dharani Subbiah and number as O.P.No.777 of 2007 dated 01.08.2007
Ex.P3	Certified copy of the orders passed in O.P.No.777 of 2007 dated 26.10.2007



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<i>Exhibits</i>	<i>Documents</i>
Ex.P4	Original copy of death certificate of J.PRakash dated 17.12.2010 (It is stated by the counsel for the petitioner there this certificate is a computer generated document, no need of signature)
Ex.P5	Original copy of death certificate of Dharmendra dated 14.12.2012 (It is stated by the counsel for the petitioner there this certificate is a computer generated document, no need of signature)
Ex.P6	Original legal heir certificate of J.Dharmendra dated 29.06.2016 (the learned counsel for the petitioner stated that it has been some what erased during the flood season)
Ex.P7	Certified copy of the Will of R.Jaganathan dated 31.12.1987
Ex.P8	Paper publications dated 09.04.2022 and 16.04.2022
Ex.P9	Computer generated death certificate of Ramani Bai
Ex.P10	Computer generated death certificate of D.Rukmaniyammal

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