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T.O.S.No.42 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM : JUSTICE N.SESHASAYEE

T.O.S.No.42 of 2021

AR.Meyyappan

.... Petitioner / Plaintiff

Vs

AR.Somasundaram

.... Respondent/3rd Defendant

Prayer : Petition filed under Section 232 & 276 of the Indian Succession Act XXXIX of 1995 for the grant of Letters of Administration.

For Plaintiff : Ms.G.Sumitra

JUDGMENT

This testamentary suit is laid for grant of Letters of Administration to the plaintiff for the administration of the estate of late AR.Meenakshi Aachi on the strength of her last Will and Testament dated 28.01.1998. The Will was attested by Mr.AR.Somasundaram and Mr.L.Chockalingam. Of the two attesting witnesses, one is the caveator himself (AR.Somasundaram) and the



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other (Chockalingam) is dead. To prove the signature of the deceased witness namely Chockalingam, his daughter P.W.2 was examined, who identified his father's signature in Ext.P1, Will. This signature of the attesting witness is marked as Ext.P.16.

2. Accordingly, T.O.S. No.25 of 2019 is allowed by granting letters of administration with the Will annexed to by the plaintiff in respect of the estate bequeathed under the last Will and testament of the late late AR.Meenakshi Aachi, dated 01.09.2017. The plaintiff 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 plaintiff 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
Speaking order / Non-speaking order
ds



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APPENDIX

WEB COPY I. Witnesses :

<i>Plaintiffs :</i>	
P.W.1	Mr.A.R.Meyappan
P.W.2	Mrs.N.Meenakshi

II. Exhibits :

Ext.P1	28.01.1998	Original Will dated 28.01.1998
Ext.P2	12.2005	Certified copy of the consent affidavit of the third respondent filed in S.O.P.No.5/2005 on the file of Sub Judge, Devakottai
Ext.P3	12.08.2005	Certified copy of the proof affidavit of the fifth respondent filed in S.O.P.No.5/2005 on the file of Sub Judge, Devakottai
Ext.P4	12.08.2005	Certified copy of Succession Certificate granted in S.O.P.No.5 of 2005 on the file of Sub Judge, Devakottai
Ext.P5	21.11.2007	Original Death Certificate of Mrs.RM.Meenatchi
Ext.P6	13.03.2010	Certified translation copy of Letter of Administration granted in Petition No.31-29-2000 by High Court of Malaysia at IPOH, State of Perak Dairul Ridzuan for the Will and Testament of late Arunachalam Chettiar (father of petitioner)
Ext.P7	07.03.2020	Paper publication in English Daily Virtual Times
Ext.P8	16.03.2020	Paper publication in Tamil Daily Malai Chudar
Ext.P9	30.06.2017	Affidavit of Assets
Ext.P10	11.06.2017	Consent affidavit of Mr.AR.Sevugan Chettiar
Ext.P11	11.06.2017	Consent affidavit of Mr.PM.Ramanathan
Ext.P12	25.05.2017	Consent affidavit of Ms.V.Alagammai
Ext.P13	11.06.2017	Consent affidavit of Ms.D.Meenakshi Uma
Ext.P14	11.06.2017	Consent affidavit of Ms.AR.Chellammai
Ext.P15	19.12.1968	Certified copy of sale deed executed by V.K.Kalyanasundaram Chettiyar in favou of Tmt.AR.Meenatchi Achi
Ext.P16		Signature in Ext.P1 (marked during PW2 chief)



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N.SESHASAYEE.J.,

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