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O.P.No.644 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.644 of 2022

1.J.Panjali
2.B.Anjali
3.T.Jaya
4.S.Geetha
5.A.Kirupakaran
6.K.Udhayakumar
7.K.Vijayakumar
8.K.Balaji

... Petitioners

Vs

K.Padmavathy

... Respondent

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act, 1925 r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with Will of the deceased annexed may be granted to them as the daughters and legal heirs of the beneficiary under the Will of the deceased.

For Petitioners : Mr.N.Ramachandran

For Respondent : No apperance



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ORDER

WEB COPY This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 17.02.2003 executed by late M.Arjunan, who died on 09.02.2019. The petitioners one to four are the daughters, petitioners five to eight are the legal heirs of the deceased daughter K.Suguna, who are also the son in-law and grandsons of the testator. The testator has five daughters and one son, for the son he has bequeathed another property and the son is also deceased, so his wife is arrayed as the respondent. The petitioners one to four and the deceased daughter K.Suguna are the beneficiaries under the Will. The petitioners seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The third petitioner has been examined as P.W.1. She has produced the death certificates of the testator M.Arjunan, A.Angammal (wife of the testator), K.Suguna (daughter of the testator), A.Kumar (son of the testator), as Exs.P2, P3, P4 and P6. The Original Will dated 17.02.2003 has been produced as Ex.P1. The legal heirship certificates of the testator and his deceased daughter has been marked as Exs.P6 and P5, and on perusal of Ex.P6, it shows that the petitioners one to four and the deceased daughter



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are the Class-I legal heirs of the testator, and on perusal of Ex.P5, it shows that the petitioners five to eight are the Class-I legal heirs of the deceased daughter K.Suguna. The respondent has expressed her consent to grant Letters of Administration in favour of the petitioners, and her consent affidavit is marked as Ex.P12. A paper publication has been made and any objections have not been received.

3. The petitioner has examined one Mr.K.Ravi, who is the second attester 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 Mr.V.Kannan.

4. In view of the above said evidence, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioners, in respect of the Will dated 17.02.2003 of the testator M.Arjunan. The petitioners are 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 petitioners are 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: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 - Mrs.T.Jaya

P.W.2 – Mr.K.Ravi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will and Testament dated 17.02.2003 executed by Mr.M.Arjunan
Ex.P2	Computer generated death certificate of Mr.M.Arjunan
Ex.P3	Computer generated death certificate of Mrs.A.Angammal
Ex.P4	Computer generated death certificate of Mrs.Suguna
Ex.P5	Computer generated legal heirship certificate of Mrs.K.Suguna
Ex.P6	Computer generated legal heir certificate of Mr.M.Arjunan
Ex.P7	Computer generated death certificate of Mr.A.Kumar
Ex.P8	Photocopy of legal heirship certificate of Mr.A.Kumar
Ex.P9	Online printout of the property tax receipt dated 15.05.2019
Ex.P10	Photocopy of the Aadhar Card of the 1 st petitioner
Ex.P11	Affidavit of assets showing the net value of the estate as Rs.75,00,000/-
Ex.P12	Consent affidavit given by the respondent
EX.P13	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 26.01.2023.
Ex.P14	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 03.02.2023.
Ex.P15	Affidavit of the attesting witness PW2

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