



O.P.No.204 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

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1.Mr.G.Govardhanan (deceased)  
2.G.Dinesh Deepak  
3.G.Sridhar  
4.G.Nalini  
(Petitioners 2 to 4 are impleaded as legal heirs of  
the deceased 1<sup>st</sup> petitioner as per order dated 24.02.2023  
in A.No.4710 & 4702 of 2022)

... Petitioners

PRAYER : Original Petition is filed under Sections 232 & 276 of the Indian Succession Act, 1925 r/w. Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed may be granted to the petitioners as legatees under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Ms.S.Ambigai

**ORDER**

This Original Petition has been filed under Sections 232 & 276 of the Indian Succession Act, 1925 r/s Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed of the properties and credits of deceased to the petitioners.



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

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The petition mentioned property was originally belonged to G.Seetha who remained unmarried till her lifetime. The said G.Seetha died on 29.05.2021 leaving behind her sister Geetha and brother Govardhanan as Class – II legal heirs. The sister of the testatrix Geetha predeceased the testatrix on 19.05.2021 and she was deserted by her husband and there is no issue out of their wedlock. The parents of the testatrix predeceased her. During the life time of G.Seetha, she executed a Will dated 19.01.2018. By virtue of the said Will, life interest was given in favour of her sister Geetha and absolute interest in favour of her brother Govardhanan. The Will also stipulate that in the event of death of her sister Geetha and her brother Govardhanan, Govardhanan's sons namely Dinesh Deepak and Sridhar shall inherit the properties absolutely.

2.1. The sister of the testatrix Geetha predeceased Seetha on 19.05.2021. The brother of the testatrix Govardhanan died on 11.06.2022 leaving behind the petitioners 2 to 4 as his legal heirs. The petitioners 2 and 3 are the sons of the deceased Govardhanan. The fourth petitioner is the wife of Govardhanan. As per the terms of the Will, in the event of the death of the sister Geetha and brother Govardhanan, the petition mentioned



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properties shall be inherited by the petitioners 2 & 3. Since the Will has come into effect after the death of the testatrix Seetha, the petitioners have filed this Original Petition seeking Letters of Administration.

3. The second petitioner examined himself as P.W.1 and Exhibits P1 to P9 were marked.

4. One of the attestors of the Will A.Sanjivi has been examined as P.W.2. He has stated in his chief affidavit that himself and one Manikandan were present at the time when the Will dated 19.01.2018 was executed by Seetha. The testatrix signed the Will in the presence of A.Sanjivi and one Manikandan. He also stated that the testatrix was in a sound and disposing state of mind at the time of execution of the Will.

5. Despite P.W.2 has stated in his chief affidavit that the name of the testatrix as Seetha, but during his appearance before the Court the name of the testatrix has been wrongly typed as Geetha instead of Seetha.

6. Exhibits P2, P3 and P4 are the death certificates of Seetha, Geetha and Govardhanan. The Will dated 19.01.2018 is marked as Ex.P1. From the



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legal heir certificate Ex.P6, it is seen that the petitioners 2 to 4 are the surviving legal heirs of Govardhanan.

7. With the statement of P.W.2 and other documents in record, the petitioners have proved that the Will has been executed in terms of Section 63(c) of the Indian Succession Act and its genuineness is proved in accordance with Section 68 of the Indian Evidence Act.

8. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioners with the Will dated 19.01.2018 of Seetha annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamilnadu. 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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## **APPENDIX**

### **Petitioners' witnesses:**

P.W.1 – Mr.G.Dinesh Deepak

P.W.2 – Mr.A.Sanjivi

### **Documents marked:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                     |
|------------------------|-------------------------------------------------------------------------------------------------------------|
| P1                     | The original Will dated 19.01.2018 executed by Ms.G.Seetha.                                                 |
| P2                     | The computer generated death certificate of Ms.Seetha.                                                      |
| P3                     | The computer generated death certificate of Mrs.G.Geetha.                                                   |
| P4                     | The computer generated death certificate of Mr.Govardhanan.                                                 |
| P5                     | The photocopy of the sale deed dated 22.05.2013 in favour of Ms.G.Seetha.                                   |
| P6                     | The computer generated legal heir certificate of Mr.Govardhanan.                                            |
| P7                     | The affidavit of assets showing the net value of the estate as Rs.1,09,91,661/-.                            |
| P8                     | The photocopy of the Deed of Settlement dated 22.03.2013 executed by Mrs.G.Geetha in favour of Ms.G.Seetha. |
| P9                     | The photocopy of the legal heirship certificate of Mrs.P.R.Saraswathi.                                      |

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

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