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O.P.No.374 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.374 of 2022

1.Varun.M.J
2.Harish S.R

... Petitioners

Vs.

1.N.Mohan Kumar
2.N.Padmaja Devi
3.N.Vasundhara Devi
4.N.Shanmuga Kumar

... Respondents

Prayer: Original Petition filed for issuance of Letters of Administration under Section 232 & 276 of the Indian Succession Act of 1925 r/w XXV Rule 5 of the Original Side Rules, prays that Letters of Administration with the Will dated 28.08.2006 annexed may be granted to the petitioners as they are the grandsons and beneficiaries of the said deceased.

For Petitioners : Ms.Farheen Begum

For Respondents : No Appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 28.08.2006 executed by K.C.Sethubai, who died on 08.03.2021. The petitioners are the grandsons, who are also the sons of the first and



fourth respondent herein. The first and fourth respondents are the sons, and the second and third respondents are the daughters of the testatrix. The petitioners are the beneficiaries under the Will, seek issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The second petitioner has been examined as P.W.1. He has produced the death certificate of the testatrix K.C.Sethubai, as Ex.P2. The Original Will dated 28.08.2006 has been produced as Ex.P1, and the legal heirship certificate of the testatrix has been produced as Ex.P3. A perusal of Ex.P3 shows that the respondents are the Class-I legal heirs of the testatrix. The respondents have filed their consent affidavits, and those affidavits are marked as Ex.P5 to P8. General publications has been made and any objections have not been received.

3. The petitioner has examined one N.Mohan Kumar, who is the first attesting witness to the said Will as P.W.2. He has spoken about the execution of the Will by the testatrix and its attestation by himself and N.Shanmuga Kumar.

4. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioners, in respect of the Will dated 28.08.2006 of the testatrix K.C.Sethubai. The petitioners are directed to execute a



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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 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

Internet: Yes/ No

Petitioner's witness:

P.W.1- Mr.S.R.Harish

P.W.2- Mr.N.Mohan Kumar

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original Will dated 28.08.2006 executed by Mrs.K.C.Sethubai
Ex.P2	The computer generated death certificate of Mrs.K.C.Sethubai
Ex.P3	The computer generated legal heirship certificate of Mrs.K.C.Sethubai
Ex.P4	Photocopy of the allotment order dated 30.08.2005 sent by the builder Karthik Estates to Mrs.K.C.Sethubai
Ex.P5	Consent affidavit given by the first respondent
Ex.P6	Consent affidavit given by the second respondent
Ex.P7	Consent affidavit given by the third respondent
Ex.P8	Consent affidavit given by the fourth respondent
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.20,00,000/-



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<i>Exhibits</i>	<i>Documents</i>
Ex.P10	Copy of paper publication effected in Tamil daily “Makkal Kural” dated 08.12.2022
Ex.P11	Copy of paper publication effected in English daily “Trinity Mirror” dated 15.12.2022
Ex.P12	Affidavit of the attesting witness
Ex.P13	Photocopy of the death certificate of N.Manohar Kumar
Ex.P14	Photocopy of the death certificate of N.Nanu Achari

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