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O.P.No.732 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.08.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 732 of 2022

B.Srimathi

...

Petitioner

Vs.

1. K.S.Ravichandran

2. S.Hemalatha

3. P.C.Badrinarayanan

....

Respondents

Original Petition is filed under Section 232, 255 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV, Rule 5 of Original Side Rules, 1956 to grant Letters of Administration with the Will annexed, to the petitioner as the granddaughter / beneficiary named under the Will of the deceased, to have effect limited to the State of Tamil Nadu and limited to the assets mentioned in the affidavit of assets.

For Petitioner : Mr.E.Senthil Kumar

ORDER

This Original Petition has been filed under Section 232, 255 & 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) and under Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed, to the petitioner as the granddaughter / beneficiary named under the Will of the deceased, to have effect throughout the State of Tamil Nadu.



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

The petitioned mentioned property is the self acquired property of one K.S.Vasumathi who is the grandmother of the petitioner herein. The said K.S.Vasumathi died on 14.10.2008. During her lifetime, she had executed a registered Will dated 07.04.2003 and created life interest in favour of her daughter P.C.Chitra in respect of the petition mentioned property by giving absolute right to her to inherit the said property. The first respondent is the son and second respondent is another daughter of testatrix and the third respondent is the father of the petitioner. The mother of the petitioner P.C.Chitra died on 03.06.2014. Subsequent to the death of the testatrix and her daughter P.C.Chitra, the Will has come into effect and hence the petitioner had filed this petition seeking Letters of Administration.

3. The petitioner examined herself as P.W.1 and Exs.P1 to P11 were marked. The two attestors of the Will have been examined as P.W.2 and P.W.3.

4. The original Will dated 07.04.2003 has been marked as Ex.P3. Exs.P4 and P5 are the death certificates of K.S.Vasumathi and P.C.Chitra. From Ex.P6- legal heirship certificate of P.C.Chitra it is seen that the petitioner and her father, the third respondent, are the only legal heirs of P.C.Chitra. The first and second



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respondents have given their consent affidavit which are also marked as Exs.P8 and P9. Paper publication issued in one issue of Tamil daily “Makkal Kural” and English issue “Trinity Mirror” attracted no objectors.

5. The attesting witnesses have been examined as P.W.2 and P.W.3. The third respondent who is the father of the petitioner is also one of the attesting witnesses and he has been examined as P.W.2. Both P.W.2 and P.W.3 have stated that they were present at the time when the testatrix had executed the Will on 07.04.2003 and the testatrix had affixed her signature in the Will in their presence and at that point of time she was found to be in sound and disposing state of mind.

6. With the statement of P.W.1, P.W.2 & P.W.3 and other documents on record, the petitioner had 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. Since the petitioner had proved the genuineness of the Will, the relief sought shall be granted.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 07.04.2003 of K.S.Vasumathi annexed thereto. Such Letters of Administration shall have effect throughout the



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State of Tamil Nadu. 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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APPENDIX

Petitioner's witness:

P.W.1 – B.Srimathi

P.W.2 – P.C.Badrinarayanan

P.W.3 – Leela

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the sale deed dated 21.10.1965
P2	Photocopy of the joint development agreement dated 14.12.2000
P3	Original Will dated 07.04.2003
P4	Death certificate of K.S.Vasumathi
P5	Death certificate of Chitra
P6	Legal heir certificate of Chitra
P7	Affidavit of assets
P8	Consent affidavit give by the first petitioner
P9	Consent affidavit given by the second petitioner
P10	Paper publication dated 21.07.2023
P11	Paper publication dated 29.07.2023.
P12	Affidavit of P.W.2
P13	Affidavit of P.W.3

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