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O.P.No.620 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**O.P.No.620 of 2017**

V.Bageeswari

... Petitioner

Vs

1.V.Baskaran

2.V.Prabhakaran

... Respondents

**PRAYER:** Original Petition filed for issuance of Letters of Administration

under Section 232 & 276 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with the Will annexed to the properties and credits of the deceased, G.Vardhan may be granted to the petitioner as wife/ beneficiary under the Will of the deceased.

For Petitioner : Ms.T.Dharani

For Respondents : Mr.A.Tamil Rajan for R1  
Mr.K.Bhaskar for R2

Advocate

Commissioner : Mr.B.Madeswaran



O.P.No.620 of 2017

WEB COPY

### **ORDER**

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 11.03.2008 executed by late G.Varadhan, who died on 11.05.2015. The petitioner is the wife and the respondents one and two are the sons of the testator. The petitioner is the beneficiary under the said Will. The petitioner seek issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2.The petitioner states that due to old age ailments, she is not in a position to travel and on that affirmation an Application has being filed in A.No.2907 of 2022, for appointing an Advocate Commissioner for the purpose of recording evidence of the petitioner herein. By an Order dated 28.07.2022, Mr.B.Madeswaran was appointed as an Advocate Commissioner, to record the evidence of the applicant/petitioner at her residence in Iraiyanbu Illam, Kolathur, Chennai.

3.The petitioner has been examined as P.W.1. By the Advocate Commissioner at her residence on 23.08.2022. On the said date along with



O.P.No.620 of 2017

the witness D.Dharani, counsel for the Applicant was also present. The counsel for second respondent was also present. Proof affidavit was shown to the petitioner and she had signed in all pages. Exhibits P1 to P11 were marked. The death certificate of the testator G.Varadhan was marked as, Ex.P7. The Original Will dated 11.03.2008 has been produced as Ex.P1, and the legal heirship certificate of the testator is produced as Ex.P8. A perusal of Ex.P8, shows that the petitioner and the respondents are the only Class-I legal heirs of the testator. Notices were duly served on the respondents and they have appeared through their counsel, but any objections were not received from the respondents, and they had not given any consent for the grant of the same to the petitioner. A paper publication has been made and any objections have not been received from the respondents herein or from any other person.

4. The petitioner has examined one Mr.D.Babu, 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.C.Narayanan.

5. In view of the above said facts and evidence, this Original Petition is ordered and Letters of Administration is granted in favour of the



O.P.No.620 of 2017

petitioner, in respect of the Will dated 11.03.2008 of the testator G.Varadhan. 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.

**19.04.2023**

gba

Index :Yes/No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

**Petitioner's witness:**

P.W.1 - Mrs.V.Bageeswari

P.W.2 – Mr.D.Babu

**Documents exhibited by the petitioners:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                 |
|------------------------|-------------------------------------------------------------------------|
| Ex.P1                  | Original Will dated 11.03.2008 executed by G.Varadhan                   |
| Ex.P2                  | Photocopy of the Sale Deed in Document No.4847 of 1994 dated 31.08.1994 |
| Ex.P3                  | Photocopy of the Construction Agreement dated 15.07.1994                |
| Ex.P4                  | Photocopy of the property tax demand card                               |
| Ex.P5                  | Chennai Metropolitan Water Supply and Sewerage Board card               |
| Ex.P6                  | Photocopy of the Electricity Board Card                                 |



O.P.No.620 of 2017

| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                 |
|------------------------|---------------------------------------------------------------------------------------------------------|
| Ex.P7                  | Photocopy of the death certificate dated 26.05.2015 of G.Varadhan                                       |
| Ex.P8                  | Original legal heirship certificate dated 28.09.2015 of G.Varadhan                                      |
| Ex.P9                  | Photocopy of the Pension Payment Order                                                                  |
| Ex.P10                 | Original paper publication effected in one issue of English daily "News Today" dated 15.09.2018         |
| Ex.P11                 | Original affidavit of assets                                                                            |
| Ex.P12                 | Affidavit of attesting witness PW2                                                                      |
| Ex.P13                 | Computer generated death certificate of Mr.Narayanan                                                    |
| Ex.P14                 | Copy of Aadhaar card of PW2 (this document is marked subject to its admissibility, proof and relevancy) |

**19.04.2023**

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O.P.No.620 of 2017

**K.KUMARESH BABU,J.**

gba

O.P.No.620 of 2017



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O.P.No.620 of 2017

**19.04.2023**  
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