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O.P.No.730 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.730 of 2022

1.B.Porkodiyal @ Porkodi
2.Elangovan Srinivasan
3.S.Elanchezian
4.S.Elavazhagan

... Petitioners

Prayer: Original Petition filed for issuance of Letters of Administration with Will annexed under Section 232 & 276 of the Indian Succession Act XXXIX of 1925 r/w Order XXV Rule 5 of the Original Side Rules, petitioners pray that Letters of Administration with the Will dated 30.06.2012 duly registered on the file of the office of the Sub-Registrar of Velachery vide Document No.40 of 2012 on 02.07.2012 annexed to them as beneficiaries under the Will/children of the deceased testator/legatee under the Will of the said deceased.

For Petitioners : M/s M.Sridevi

ORDER

The original petition has been filed for the issuance of the Letters of Administration in respect of the will dated 30.06.2012 executed by K. Srinivasan, who died on 07.11.2021. The first petitioner is the daughter and the second, third and fourth petitioners are the sons of the testator. The petitioners are the beneficiaries under the said Will. The testator has not appointed any executor under the Will. The



petitioners being the beneficiaries of the said will seek issuance of the 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. He has produced the death certificates of the testator K.Srinivasan and Vijayalakshmi (wife of the testator) as, Exs.P1 and Ex.P3, The Original registered Will dated 30.06.2012 has been produced and marked as, Ex.P9 and the legal heirship certificate of the testator is produced as, Ex.P2. A perusal of Ex.P2 shows that the petitioners are the Class-I legal heirs of the testator. A paper publication has been made and any objections have not been received.

3.The petitioner has examined one T.M.Aravindan 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 testator and its attestation by himself. One J Sampath Kumar who is the second attesting witness to the said Will was examined as P.W.3. He has also spoken about the execution of the Will by the testator and himself.

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



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30.06.2012 of the testator K.Srinivasan. The petitioners are directed to execute a security bond for a sum of Rs. 25000/- (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 a 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.Elanchezhian

P.W.2-Mr.T.M.Aravindan

P.W.3-Mr.J.Sampath Kumar

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated copy of the death certificate of testator, deceased K.Srinivasan dated 07.11.2021.
Ex.P2	The computer generated copy of the legal heirship certificate of the testator dated 12.03.2022.
Ex.P3	The computer generated copy of the death certificate of testator's wife Mrs.Vijayalakshmi dated 21.09.2009.
Ex.P4	The computer generated copy of the legal heirship certificate of the testator's wife S.Vijayalakshmi dated 25.05.2022.
Ex.P5	The photocopy of the sale deed executed by Mrs.Lakshmi Srinivasan represented by her power agent Selvi J.Uma Maheshwari in favour of the testator K.Srinivasan bearing Doc.No.6095/2011 dated 07.07.2011.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P6	The photocopy of the sale deed executed by Mrs.Lakshmi Srinivasan represented by her power agent Selvi J.Uma Maheswari in favour of the testator K.Srinivasan bearing Doc.No.6096/2011 dated 07.07.2011.
Ex.P7	The photocopy of the sale deed executed by Mrs.Malini Natarajan in favour of the testator K.Srinivasan bearing Doc No.13432/2011 dated 30.12.2011.
Ex.P8	The photocopy of the sale deed executed by Mrs.Malini Natarajan in favour of the testator K.Srinivasan bearing Doc No.13433/2011 dated 30.12.2011.
Ex.P9	The original Will executed on 30.06.2012 duly registered on the file of the office of the Sub Registrar, Velachery as Document No.40/2012 on 02.07.2012.
Ex.P10	The affidavit of attesting witness Mr.T.M.Aravindan dated 28.10.2022.
Ex.P11	The affidavit of attesting witness Mr.J.Sampath Kumar dated 28.10.2022.
Ex.P12	The paper publication of Tamil daily “Makkal Kural” dated 02.03.2023.
Ex.P13	The paper publication of English daily “Trinity Mirror” dated 09.03.2023.
Ex.P14	Proof affidavit of the first attesting witness.
Ex.P15	Proof affidavit of the second attesting witness.

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