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O.P.No.788 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.788 of 2022

1.Kotteeswari K

2.Amrita K

3.Master Madhav K

... Petitioners

Vs

Kamala G

... Respondent

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232, 246 & 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 of the deceased annexed may be granted to the 1st petitioner for herself and on behalf of the 2nd petitioner and 3rd petitioner, for the use and benefit of both minors, until they attain the age of majority having effect throughout the State of Tamil Nadu and limited to the properties mentioned in the Affidavit of Valuation of Assets.

For Petitioners : Ms.Gurmeet Kour

For Respondent : Mr.Deepak Kannaa.B

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 14.12.2018 executed by late K.Krishnakumar, who died on 17.12.2018. The first petitioner is the wife,



O.P.No.788 of 2022

the second and third petitioners are the minor daughter and son and respondent is the mother of the testator. The petitioners are beneficiaries under the said Will. The testator has not appointed any executor under the Will. The first petitioner being the mother and natural guardian of second and third petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner has been examined as P.W.1. She has produced the death certificate of the testator K.Krishnakumar as, Ex.P10. The Original registered Will dated 14.12.2018 has been produced as Ex.P1, and the legal heirship certificate of the testator is produced as Ex.P11. A perusal of Ex.P11 shows that the petitioners and the respondent are the Class-I legal heirs of the testator. Notice was served on the respondent and has appeared through a counsel but any objections were not received on behalf of the respondent. Pursuant to the general publications made, any objections have not been received, from the respondents herein or from any other person.

3. The petitioner has examined one Mr.K.R.Rajeesh 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 testator and its attestation by himself. One Mr.C.S.John, who is the second attesting witness to the said Will was



O.P.No.788 of 2022

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 first petitioner for herself and on behalf of second and third petitioner, in respect of the Will dated 14.12.2018 of the testator K.Krishnakumar. It is evident from the Will that the testator has bequeathed 1/3rd share each to the petitioners and the first petitioner is hereby directed not to alienate the shares of the second and third petitioner without the permission of this Court. The first 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 first petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

27.04.2023

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Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioners' witness:

P.W.1 - Mrs.Kotteeswari K



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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will and Testament dated 14.12.2018 executed by Mr.K.Krishnakumar
Ex.P2	Photocopy of the Sale Deed dated 11.10.2013 executed in favour of Mr.K.Krishna Kumar
Ex.P3	Photocopy of the Sale Deed dated 14.02.2005 executed in favour of Mr.K.Krishna Kumar
Ex.P4	Photocopy of the Sale Deed dated 21.05.2013 executed in favour of Mr.K.Krishna Kumar
Ex.P5	Photocopy of the Sale Deed dated 28.09.2006 executed in favour of Mr.K.Krishna Kumar
Ex.P6	Photocopy of the Sale Deed dated 19.04.2007 executed in favour of Mr.K.Krishna Kumar
Ex.P7	Photocopy of the sale certificate dated 05.03.2008 in favour of Mr.K.Krishna Kumar
Ex.P8	Photocopy of the sale certificate dated 23.05.2007 in favour of Mr.K.Krishna Kumar
Ex.P9	Photocopy of the sale certificate dated 20.09.2007 in favour of Mr.K.Krishna Kumar
Ex.P10	Computer generated death certificate of Mr.K.Krishna Kumar
Ex.P11	Computer generated legal heir certificate of Mr.K.Krishna Kumar
Ex.P12	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.03.2023
Ex.P13	Affidavit of the 1 st attesting witness PW2
Ex.P14	Affidavit of the 2 nd attesting witness PW3



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gba



O.P.No.788 of 2022

27.04.2023

K.KUMARESH BABU,J.

gba

O.P.No.788 of 2022



WEB COPY



O.P.No.788 of 2022

27.04.2023