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O.P.No.787 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.08.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 787 of 2022

1. A.Andrews
2. A.Albert Alex
3. A.Alfred
4. Rowan Albert Alex
5. Ramona Caroline

...

Petitioners

Original Petition is filed under Section 232 and 276 of Indian Succession Act (XXXIX of 1925) read with Order XXV Rule 5 of Original Side Rules, for grant of Letters of Administration to the petitioners with the Will annexed of the property of deceased A.Arokiadoss, as son and grand children of the deceased / beneficiaries under the Will of the deceased to have effect throughout the State of Tamil Nadu.

For Petitioners : Mr.S.Parthasarathy

ORDER

This Original Petition has been filed for grant of Letters of Administration of the Will annexed with the property of the deceased A.Arokiadoss, to the petitioners as son and grandchildren of the deceased as beneficiaries under the Will of the deceased to have effect throughout the State of Tamil Nadu.



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2. The properties are said to be the self acquired property of A.Arokiadoss who is the father of the petitioners 1 and 2 and grandfather of the petitioners 3 to 5. The said A.Arokiadass died on 02.06.2017 intestate leaving behind his wife A.Lourdhumary, the petitioners 1 and 2 as his legal heirs. During his lifetime, A.Arokiadoss had executed a registered Will on 22.06.1988 in respect of the petition mentioned property. By virtue of the said Will he created life interest in favour of his wife and two sons who are the first and second petitioner herein and after the lifetime of his wife and his sons, absolute right is conferred in favour of the petitioners 3 to 5. The mother of the petitioners 1 and 2 died on 02.06.2017 by leaving the petitioners as her only legal heirs. Now the petitioners who are the beneficiaries of the Will have filed this petition for seeking Letters of Administration.

3. The first petitioner examined himself as P.W.1 and marked Exs.P1 to P12.

4. The paper publication issued in one issue of Tamil Daily “Makkal Kural” on 30.03.2023 and in one issue of English daily “Trinity Mirror” on 08.04.2023 attracted no objectors.



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5. The registered Will executed by the testator is marked as Ex.P1 and the death certificate of the testator and his wife Lourdmery has been marked as Exs.P3 and P3 respectively. Ex.P4 which is the legal heirship certificate of the deceased mother of petitioners 1 and 2 would show that the petitioners 1 and 2 are the only surviving legal heirs of their mother.

6. One of the testators of the Will has been examined as P.W.2 and he had marked Ex.P13. He had stated in his affidavit that he was present at the time when the testator had executed the Will and the testator had signed the Will in their presence. He also stated that testator was said to be in sound and disposing state of mind at the time of execution of the Will.

7. With the statement of P.W.1 and P.W.2 and other documents in record, the petitioners have 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 petitioners have proved the genuineness of the Will, the relief sought shall be granted.



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8. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioners with the Will dated 22.06.1988 of A.Arokiadoss annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. The petitioners are 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 petitioners 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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Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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APPENDIX

Petitioner's witness:

P.W.1 – Mr.A.Andrews

P.W.2 – Mr.A.Sagauaraj

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
P1	Original registered Will dated 22.06.1988 executed by A.Arokiadoss
P2	Computer generated death certificate of Lourdhu Mary
P3	Computer generated death certificate of Asivatham Arokia Doss
P4	Computer generated legal heirship of Lourdhu Mary
P5	Photocopy of the petitioner's Aadhar card
P6	Photocopy of the Aadhar Card of the second petitioner
P7	Photocopy of Aadhar card of third petitioner
P8	Photocopy of Aadhar card of fourth petitioner
P9	Photocopy of Aadhar card of fifth petitioner
P10	Affidavit of assets showing the net value of the estate as Rs.1,00,00,000/-
P11	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 30.03.2023
P12	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 08.04.2023.
P13	Affidavit of P.W.2

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