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O.P.No.133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.133 of 2023

Mr.A.K.Dutta

... Petitioner

PRAYER : Original Petition is filed under Sections 232 & 276 of the Indian Succession Act, 1925 r/w. Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed to the petitioner as the legatee under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioner : M/s.P.B.Ramanujam

ORDER

This Original Petition has been filed under Section 232 & 276 of the Indian Succession Act, 1925 r/s Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will annexed of the properties and credits of deceased to the petitioner.

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

The petition mentioned property was originally owned by one Shikha Pal who died on 12.01.2018. During her life time, she executed an



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unregistered Will dated 11.05.2017 by bequeathing the petition mentioned property in favour of her only sister Sheila Dutta. Sheila Dutta died on 10.03.2022. As per the Will, the petitioner is entitled to inherit the petition mentioned property, if Sheila Dutta predeceased the petitioner. Hence he filed this Petition seeking Letters of Administration.

3. The petitioner was examined as P.W.1 and Exhibits P1 to P11 were marked.

4. The Will executed by Shikha Pal has been marked as Ex.P1. Ex.P2 is the death certificate of Mrs.Shikha Pal. Ex.P5 is the death certificate of Sheila Dutta. Ex.P6 is the legal heir certificate of Sheila Dutta. Ex.P8 & Ex.P9 are the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 07.06.2023 and in one issue of English Daily “Trinity Mirror ” dated 15.06.2023.

5. One of the attesting witnesses Mrs.S.Dhanalakshmi has been examined as P.W.2. She stated in her evidence that Shikha Pal is her neighbour. Shikha Pal executed and signed Ex.P1 Will in her presence and in the presence of her husband K.Balachandar. At the request of Shikha Pal,



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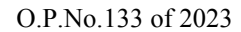
she signed the Ex.P1 Will along with her husband. At the time of execution of the Will, the testatrix was in a sound disposing state of mind.

6. With the statement of P.W.1 and P.W.2 and other documents in record, the petitioner has proved that the Will has been executed in terms of Section 63(c) of the Indian Succession Act and its genuineness has been proved in accordance with Section 68 of the Indian Evidence Act.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 11.05.2017 of Shikha Pal annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamilnadu. 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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Internet : Yes/No
Index : Yes



Petitioner's witness:

P.W.2 – Mrs.S.Dhanalakshmi

<i>Exhibits</i>	<i>Documents</i>
P1	The original Will and Testament dated 11.05.2017 executed by Mrs.Shikha Pal.
P2	The computer generated death certificate of Shikha Pal.
P3	The computer generated death certificate of B.B.Paul.
P4	The computer generated death certificate of Rani Pal.
P5	The computer generated death certificate of Sheila Dutta.
P6	The computer generated legal heir certificate of Sheila Dutta.
P7	The original sale deed dated 28.05.1990 executed in favour of Shikha Pal.
P8	The copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 07.06.2023.
P9	The copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 15.06.2023.
P10	The affidavit of assets showing net value of the estate as Rs.30,00,000/-.
P11	The affidavit of one of the attesting witnesses.

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