



O.P.No.603 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.19 of 2023

Padma Jayanthi @ Indira

... Petitioner

PRAYER: Original Petition filed for Letters of Administration under Sections 232 and 276 of Indian Succession Act 1925 under Order XXV Rule 5 of Original Side Rules seeking for Letters of Administration relating to the annexed Will of the properties and credits of the deceased Ramani @ Radha Bai- Testator of the Will may be granted as foster daughter/beneficiary under the Will by passing an order to have effect throughout the State of Tamil Nadu.

For Petitioners : Ms.M.Maya Devi

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 28.09.1992 executed by late P.Ramani @ Radha Bai, who died on 14.10.2022. The petitioner is the foster daughter of the testatrix. The testatrix has not appointed any one as an executor under the said Will. The petitioner is the beneficiary under the Will, seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner states that the testatrix was married to one



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R.Parthasarathy, and out of the wedlock they have no issues. The testatrix and her husband has brought up the petitioner (sister's daughter of the testatrix). The petitioner herein, being the foster daughter of the testatrix is the sole beneficiary named under the Will.

3. The petitioner has been examined as P.W.1. She has produced the death certificate of the testatrix P.Ramani @ Radha Bai. The Original Will dated 28.09.1992 has been produced which was marked as Ex.P5, and the legal heirship certificate of the testatrix is marked as Ex.P4. A perusal of Ex.P4 shows that the testatrix has no surviving legal heirs. General publication has been made and any objections have not been received.

4. The petitioner has examined one C.Sriram, 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 testatrix and its attestation by himself and V.D.Ravi Shankar, who attested the Will as second attesting witness.

5. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 28.09.1992 of the testatrix P.Ramani @ Radha Bai. The petitioner is



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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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Index :Yes/No

Speaking: Yes/ No

Petitioner's witnesses:

P.W.1 —Mrs.Padma Jayanthi @ Indira

P.W.2 – Mr.C.Sriram

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 11.05.1970 executed in favour of Mr.R.Parthasarathy
Ex.P2	Photocopy of the Property Tax Receipt dated 12.04.2022
Ex.P3	Computer generated death certificate of Mrs.P.Ramani
Ex.P4	Computer generated legal heirship certificate of Mrs.P.Ramani
Ex.P5	Original Will dated 28.09.1992 executed by Mrs.Ramani also known as Radha Bai
Ex.P6	Affidavit of assets showing the net value of estate as Rs.26.75,000/-
Ex.P7	Copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 14.03.2023.
Ex.P8	Copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 22.03.2023.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P9	Affidavit of first attesting witness, who has examined as PW-2

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