



O.P.No.605 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.09.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.605 of 2022

1.M.Ravindrapandian
2.M.Devi

... Petitioners

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 petitioners as the legatees under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Ms.Vasavi Sridevi

ORDER

This Original Petition has been filed under Sections 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 petitioners.



O.P.No.605 of 2022

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

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The petition mentioned property was originally belonged to one Mangammal and she was in enjoyment of the same. The said Mangammal died on 29.12.2018. The husband of Mangammal viz., Vasu predeceased her on 20.11.2009. Mangammal and Vasu had a foster daughter by name Kanniammal and she also died on 03.09.1994. The petitioners are the children of the deceased Kanniammal. During the life time of Mangammal, she executed a Will dated 11.09.2015 by bequeathing the petition mentioned property to both the petitioners equally. Since Mangammal died, the Will came into effect. Therefore, the petitioners have filed this Petition seeking Letters of Administration.

3. The first petitioner examined himself as P.W.1 and Exhibits P1 to P8 were marked.

4. Ex.P1 is the death certificate of the husband of Mangammal. Ex.P2 is the death certificate of Kanniammal who is the foster daughter of Mangammal and Vasu. Ex.P4 death certificate of Mangammal would show that she died on 29.12.2018. The Will said to have been executed by Mangammal has been marked as Ex.P3. Paper publication effected in one



O.P.No.605 of 2022

issue of Tamil Daily “Makkal Kural” dated 09.08.2023 and in one issue of English Daily “Trinity Mirror” dated 16.08.2023, did not attract any objectors.

5. One of the attesting witnesses by name M.Suresh has been examined as P.W.2. He stated in his evidence that Mangammal executed the Ex.P3 Will in the presence of him and another attesting witness D.Prabakaran. At the request of Mangammal, himself and another witness D.Prabakaran affixed their signatures in the Will. He has also stated that at the time when the Will was executed, Mangammal 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 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.

7. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioners with the Will dated 11.09.2015 of Mangammal annexed thereto. Such Letters of Administration shall have



O.P.No.605 of 2022

effect throughout the State of Tamilnadu. 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.

20.09.2023

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Internet :Yes/No

Index : Yes



O.P.No.605 of 2022

APPENDIX

Petitioner's witness:

P.W.1 – Mr.M.Ravindrapandian

P.W.2 – Mr.M.Suresh

Documents marked:

<i>Exhibit s</i>	<i>Documents</i>
P1	The computer generated death certificate of Mr.D.Vasu.
P2	The computer generated death certificate of Mrs.Kanniammal.
P3	The original Will dated 11.09.2015 executed by Mangammal.
P4	The computer generated death certificate of Mangammal.
P5	The photocopy of the sale deed dated 29.08.2018 executed in favour of Mangammal.
P6	The affidavit of assets showing the net value of estate as Rs.13,41,600/-
P7	The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 09.08.2023.
P8	The copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 16.08.2023.

20.09.2023

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O.P.No.605 of 2022

R.N.MANJULA, J.

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O.P.No. 605 of 2022

20.09.2023