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O.P.No.123 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.11.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.123 of 2024

G.Harikrishnan.

... Petitioner

/versus/

Mr.G.Murali.

... Respondent

Prayer: Original Petition has been filed under Sections 232 and 276 of Indian Succession Act r/w Order XXV Rules 5 of Original Side Rules, to grant Letters of Administration with the Will annexed may be granted to the petitioner as son beneficiary under the Will of the said deceased having effect through out the State of Tamil Nadu.

For Petitioner : Mr.M.Antony Jesurajan

For Respondent : No appearance

ORDER

This Original Petition is filed under Section 232 and 276 of Indian Succession Act r/w Order XXV Rules 5 of O.S Rules.

2. The petitioner is the younger son of Mr.Gopal Reddy who died on



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29.07.1998. During his lifetime, Mr.Gopal Reddy had acquired a property at Door No.36/55, 36th Jeyaprakash Street, G.K.M.Colony, Jawahar Nagar, Chennai – 600 082 under a registered sale deed dated 23.09.1993 measuring to an extent of 2315sq.ft. He has settled a portion of the property measuring 1160 sq.ft in favour of his elder son Mr.G.Murali *vide* document No.1002/1998 at Sub Registrar Office, Ambattur. For the remaining property to an extent of 1155 sq.ft, he had executed a Will and got it registered as Document No.11/III/1998 at Sub Registrar Office, Ambattur. On his death, the present petition is filed seeking Letter of Administration since the deceased has not nominated any executor for the *Will*.

3. To prove the *Will*, the petitioner has examined himself as P.W.1. His brother Mr.G.Murali who is the respondent been examined as P.W.2. He is also one of the attesting witness to the *Will*. He has identified the signature of the other attesting witness Subramanian being his Maternal Uncle.

4. The petitioner is one of the Class-I heirs of the Testator Mr.Gopal Reddy. Yet another Class-I heirs is the defendant and he is one of the attesting witness and gave consent for the grant of Letter of Administration in favour of his brother, the petitioner. Since the wife of Gopal Reddy, the mother of the petitioner died subsequent to the *will*, the death of petitioner's mother on 22.01.2022 will not



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disturb the testamentary succession.

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5. To prove due execution of the *Will* in his favour, the petitioner relied upon the following 12 documents.

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Certified copy of the sale deed dated 29.03.1993 executed in favour of Mr.Gopal Reddy.
Ex.P.2	Original registered Will and Testament dated 27.03.1998 executed by Mr.G.Gopal Reddy.
Ex.P.3	Original deed of consent admitted the Will dated 27.03.1998 executed by the respondent in favour of the petitioner.
Ex.P.4	Original death certificate of Mr.G.Gopal Reddy.
Ex.P.5	Photocopy of the Legal heir ship certificate of Mr.G.Gopal Reddy.
Ex.P.6	Computer Generated death certificate of Mrs.G.V.Vasantha
Ex.P.7	Computer Generated legal heir ship certificate of Mrs.G.Vasantha
Ex.P.8	Photocopy of my Aadhar Card.
Ex.P.9	Affidavit of assets showing the net value of the estate as Rs.50,00,000/-
Ex.P.10	Copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 05.07.2024.
Ex.P.11	Copy of the paper publication effected in one issue of English daily "Trinity Mirror" dated 12.07.2024.
Ex.P.12	Certificate under Section 65B of Indian Evidence Act, 1872.

Ex.P.10 and Ex.P.11 are the paper publication calling for objection from public and Ex.P.12 is the Certificate under Section 65-B of Indian Evidence Act. Excluding the above three documents, the other 9 documents (Ex.P.1 to Ex.P.9) marked disclosing the due execution of the *Will* by Mr.Gopal Reddy and his death. Further Ex.P.13 is the affidavit of the attesting witness, Ex.P.14 is the



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photocopy of Aadhar Card and Ex.P.15 is the consent affidavit of the defendant stating that he has no objection for the grant of letters of administration in favour of the petitioner. All these documents satisfies the requirement for grant of Letter of Administration in favour of the petitioner.

6. In fine, this Original Petition stands allowed and Letters of Administration is ordered to be issued in favour of the petitioner herein. 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 (O.S-II) 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.
Internet : Yes/No.
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