



O.P. No.392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No.392 of 2023

1.M.A.Muthusethupathi
2.Vanathi Sethupathi
3.Madhavi Sethupathi
4.A.Thangamani

... Petitioners

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of O.S. Rules to grant Letters of Administration of the Will dated 09.02.1987 of Late Papayee Ammal annexed herein to the petitioners 1 to 3/Legatees under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioners : Mr. M.R.Vivekananthan

ORDER

The petition has been filed seeking grant of Letters of Administration and Security with respect to a Will dated 09.02.1987 executed by the deceased Papayee Ammal, who died on 18.11.1993.



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2. The 1st and 4th petitioners are her two sons. Her husband M.M.Ayanan predeceased her on 28.09.1991. She had bequeathed the property which belonged to her, to the wife of her younger son, Girija, and to the children of the younger sons Vanathi Sethupathy and Madhavi Sethupathy, who are the 2nd and 3rd petitioners. The said Girija died on 20.07.2000. It had been stated that no executor had been appointed under the Will. It is also stated that though the petitioners were aware about the existence of the Will, they were not aware about the legal necessities to obtain Letters of Administration. When they tried to encumber the property, they came to know about the necessity to obtain Letters of Administration. After following due process, the petitioners were directed to tender evidence. The 1st petitioner was examined as P.W.1. He also marked Exs.P1 to P11. Ex.P1 is the death certificate of testatrix, Ex.P2 is the original Will dated 09.02.1987, Ex.P3 is the death certificate of Girija, who is the wife of the 4th petitioner, Ex.P4 is the legal heirship certificate of Girija, Ex.P9 is the death certificate of M.M.Ayanan, husband of the testatrix and Ex.P11 is the copy of the death certificate of M.M.Muthusamy. P.W.1 is also one of the attesting witnesses. The other witness M.M.Muthusamy had died and the death certificate had been filed.



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3. Taking into consideration all the records produced and the documents marked, the Original Petition stands allowed and Letters of Administration to be issued in accordance with rules. Such Letters of Administration shall have 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.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.M.A.Muthusethupathy
P.W.2 – Mr.A.S.Bhakthavatchalam

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Original death certificate of Papayee Ammal.
P2	Original Will dated 09.02.1987 executed by Papayee Ammal.
P3	Photocopy of the death certificate of Dr.Girija (compared with the original)
P4	Photocopy of the legal heir certificate of Dr.Girija (compared with the original).
P5	The Photocopy of the sale deed dated 12.07.1982 executed in favour of Papayee (compared with the original).
P6	Affidavit of assets showing the net value of the estate as Rs.1,13,18,040/-.
P7	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 05.11.2023.
P8	Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 05.11.2023.
P9	Photocopy of the death certificate of M.M.Ayanan (compared with the original).
P10	The photocopy of the legal heir certificate of Papayee Ammal (compared with the original).
P11	Photocopy of the death certificate of M.M.Muthusamy (compared with the original).

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C.V.KARTHIKEYAN, J.

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