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O.P. No. 572 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 572 of 2021
and Application No. 1915 of 2024

1. J.Santharam
2. J.Murali

... Petitioners

-VS-

J.Sathyanarayanan

... Respondent

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 10.12.1996 of Late M.Padmavathi annexed may be granted to the petitioners as grandsons and beneficiaries under the Will having effect limited to the state of Tamil Nadu.

For Petitioners : Mr. L.Prabahar

For Respondent : Mr. R.S.Indira



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ORDER

The petition has been filed seeking grant of Letters of Administration with Will dated 10.12.1996, which had been registered as Document No. 87 of 1996, executed by the deceased M.Padmavathi, who died on 21.07.1998.

2. The respondent had originally filed a caveat and a learned Single Judge of this Court on examining the affidavit filed in support of the caveat had observed that the affidavit does not disclose any reason to hold that it should be examined further by the Court. The caveat was therefore discharged by an order dated 13.04.2023.

3. The petitioners thereafter were directed to tender evidence. Accordingly, the first petitioner examined himself as PW1. The original Will dated 10.12.1996 was marked as Ex.P5 and the death certificate and the legal heirship certificate of M.Padmavathi were marked as Exs. P6 and P7. The death certificate and legal heirship certificate of Nirmala



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were marked as Exs.P10 and P11. Documents relating to the property were marked as Exs.P2, P3 and P4. The petitioner also examined PW2 - Thirumurugan Pathivasagam. His father, Manoharan was the third attesting witness of the Will. He identified the signature of his father as found in Ex.P5. He also stated that he was also familiar with the signature of M.Padmavathi, and that he also saw the Padmavathi and his father signing the Will before the Sub Registrar Office. His father died on 22.06.2022 and his death certificate was marked as Ex.P15 and the legal heirship certificate is marked as Ex.P16.

4. 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.

5. This Court had passed orders on 08.04.2024 in Application No. 1915 of 2024 permitting the petitioner to examine the third party to speak about the attestation of the Will. Since the witness is examined, the application stands closed.



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6. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. 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 and they 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
Maya



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C.V.KARTHIKEYAN, J.

Maya

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