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O.P.No.494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 494 of 2023

N.Sundaresan

... Petitioner

Vs.

1.Uma Ramesh

2.Meena Sankar

... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925, read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration with Will dated 04.04.2022 annexed to the petitioner as the beneficiary under the Will of the Testator and thereof to have effect throughout the State of Tamil Nadu.

For Petitioner : Mr.K.Moorthy

ORDER

The petition has been filed seeking Letters of Administration with respect to a Will dated 04.04.2022 executed by Chitra Sundaresan, the late wife of the petitioner and mother of the respondents. She died on 22.10.2022.



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2. The respondents have expressed their consent for grant of letters of administration to the petitioner, their father.

3. After following due procedure, the petitioner was directed to tender evidence. Accordingly, the petitioner examined himself as P.W.1. The original unregistered Will dated 04.04.2022 was marked as Ex.P1 and death certificate and legal heirship certificate of Chitra Sundaresan were marked as Exs.P2 & P3. The documents relating to the property was marked as Ex.P8. The petitioner also examined as P.W.2, D.Balasubramanian, who was one of the executors of the Will. He affirmed Ex.P1 – Will and stated that the testatrix had executed the Will in his presence and in the presence of other attesting witness. He also stated that the testatrix was in sound and disposing state of mind at the time of execution.

4. Taking into consideration the evidence recorded and



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documents produced, this Original Petition stands allowed. Letters of Administration with Will annexed to be granted to the petitioner in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. 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 (Original Side) of this Court and he 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
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.N.Sundaresan

P.W.2 – Mr.D.Balasubramanian

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will of Mrs.Chitra Sundaresan dated



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<i>Exhibits</i>	<i>Documents</i>
	04.02.2022.
Ex.P2	Computer generated death certificate of Mrs.Chitra Sundaresan who died on 22.10.2022.
Ex.P3	Computer generated legal heirship certificate of Mrs.Chitra Sundaresan dated 05.12.2022.
Ex.P4	Photocopy of the Aadhaar card of testator Mrs.Chitra Sundaresan (original produced, compared and returned to the petitioner's counsel).
Ex.P5	Photocopy of the Aadhaar card of the petitioner (N.Sundaresan) (Original produced, compared and returned to the petitioner's counsel).
Ex.P6	Photocopy of the Aadhaar card of the 1 st respondent. (Mrs. Uma Ramesh) (Original produced, compared and returned to the petitioner's counsel).
Ex.P7	Photocopy of the Aadhaar card of the 2 nd respondent (Mrs.Meena Sankar) (Original Aadhaar is with the 2 nd respondent who is out of station. The counsel for the respondents states that she has no objection in the photocopy being marked).
Ex.P8	Photocopy of the registered sale deed dated 05.07.1993 (Original produced, compared and returned to the petitioner's counsel).
Ex.P9	Paper publication effected in one issue of Tamil daily “Makkal Kural” dated 02.12.2023.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P10	Paper publication effected in one issue of English daily “Trinity Mirror” dated 09.12.2023.
Ex.P11	Affidavit of assets showing the net value of the estate at Rs.3,11,82,068/-.
Ex.P12	Photocopy of Aadhaar Card of Mr.D.Balasubramanian (compared with the original).

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