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O.P.No.808 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. 808 of 2023

1.S.Sundari

2.S.Bhanumathi

3.S.Vidya

... Petitioners

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 of the deceased late R.Ramachandran dated 09.07.1986 annexed hereto to the petitioners to have effect throughout the whole of the State of Tamil Nadu.

For Petitioners : M/s.Rajashree Raghavan

ORDER

The petition has been filed seeking Letters of Administration with Will annexed. The Will was dated 09.07.1986 and was executed by R.Ramachandran, who died on 21.07.1987 as a bachelor.



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2. He was a cousin of T.K.Subramanian, the husband of the 1st petitioner. In the Will, T.K.Subramanian was named as an executor, but he did not apply for probate and died on 02.02.2009. Under the Will, there was a bequeath only of the shares which were in the name of the testator. The petitioners were under the impression that the probate was not required or letters of administration were not required.

3. After following due procedure, the petitioners were directed to tender evidence. Accordingly, the 1st petitioner examined herself as P.W.1. She marked the original Will dated 09.07.1986 as Ex.P1 and death certificate of her husband T.K.Subramanian as Ex.P2 and that of the testator, R.Ramachandran as Ex.P3. The legal heirship certificate of T.K.Subramanian was marked as Ex.P4. The documents relating to the share certificate were marked as Ex.P5. The petitioners also examined R.Natarajan as P.W.2. He stated that he knew both the attesting witnesses who are his relatives. Both of them are dead. Ex.P9 is the death certificate of the first attesting witness and Ex.P10 is the death certificate



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of the second attesting witness. He stated that he knew the signatures of both the attesting witnesses and he also knew the signature of the testator. He affirmed Ex.P1 – the Will and the signatures therein.

4. Taking into consideration the nature of evidence adduced and documents produced, this Original Petition stands allowed. Letters of Administration with Will annexed to be granted to the petitioners in accordance with rules. 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
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APPENDIX

Petitioners' witness:

P.W.1 – Mrs.S.Sundari
P.W.2 – Mr.R.Natarajan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 09.07.1986 executed by Mr.R.Ramachandran.
Ex.P2	Death certificate of Mr.T.K.Subramanian.
Ex.P3	Death certificate of Mr.R.Ramachandran.
Ex.P4	Photocopy of the legal heirship certificate of Mr.T.K.Subramanian (compared with the original).
Ex.P5	(Series 2 Nos) are the photocopies of the share certificate and debenture certificate bearing certificate No.0003661 and 00003634 in Britannia Industries Limited standing in the name of Mr.Rag Rama Chandran (compared with the originals).
Ex.P6	Affidavit assets showing the net value of the estates as Rs.11,20,400.50/-.
Ex.P7	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 24.03.2024.
Ex.P8	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 06.04.2024.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P9	Death certificate of the first attesor, Mr.S.V.Jayaraman.
Ex.P10	Death certificate of the second attesor, Mr.V.S.Lakshminarayanan.
Ex.P11	Certificate under Section 63 of BSA, 2023.

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