



O.P.No.501 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.12.2024

Coram

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

O.P.No.501 of 2023

Ms.Vijayalakshmi

.. Petitioner

/versus/

1.DrSarasa Bharati

2.Dr.Saroja Bharati

3.Mr.Varadarajan

.. Respondents

Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules to grant Letters of Administration with Will annexed, which may be granted to the petitioner as the sister/beneficiary under the Will dated 03.09.2020 to have effect limited to the State of Tamil Nadu.

For Petitioner	:Mr.V.Kuberan for M/s Rank Associates
For Respondents	:Mr.Harshit S.Jain



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ORDER

This Original Petition has been filed under Section 232 and 276 of Indian Succession Act, 1925 (Act No.XXXIX of 1925) to grant Letters of Administration under Section XXV, Rule 5 of the Original Side Rules in respect of the last Will and Testament of Ms.Rajalakshmi, who died on 20.09.2021.

2. Ms.Rajalakshmi, elder sister of the petitioner died on 20.09.2021 at Chennai. In her lifetime, Ms.Rajalakshmi, along with her sisters brought a house site measuring one ground and 317 sq.ft., at Velachery Road, Guindy, Chennai under a sale deed dated 06.01.2004 registered as document No.60 of 2004 at SRO, Velacery. She has bequeathed the said property in favour of one of her sister Vijayalakshmi, who is the petitioner herein. The said Will has been attested by two witnesses one by name M.Dhanasekaran and another by name C.Suresh. On the death of Rajalakshmi, the Will has come into effect. Since no executor was appointed, the present application is filed



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for grant of Letters of Administration in the matter of last Will and Testament of Rajalakshmi, who died on 20.09.2021.

3. To prove her claim, the petitioner had graced the witness box as PW-1 and marked Ex.P1 to Ex.P8 and one of the attesting witness Mr.C.Suresh was examined as PW-2 and marked two documents as Ex.P9 and Ex.P10. Ex.P9 is his affidavit as attesting witness and Ex.P10 is the photocopy of his Aadhar card. Ex.P2 is the Will of the Testatrix dated 03.09.2020. One of the attesting witness by name Mr.C.Suresh, is the second attestator for the Will and he had identified the Will and signature of Rajalakshmi in the Will. He further deposed that on the date of executing the Will-Ex.P2, he, along with M.Dhanasekaran, saw Rajalakshmi affixing her signature to the Will and at the time of executing the Will she was in a sound state of mind and good health. The statutory requirement under Section 67 of BSA is complied with by examining PW-2, one of the attesting witnesses. The other siblings of Rajalakshmi are arrayed as respondents and they have filed consent affidavits for grant of Letters of



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Administration in favour of the petitioner. Paper publication inviting objection if any for grant of Letters of Administration in favour of the petitioner effected and the same is marked as Ex.P7 and Ex.P8. However, no objection to the caveat has been received from any quarter. Since the Will of Rajalakshmi Ex.P2 is proved in the manner known to law and the death of Rajalakshmi is proved through her death certificate Ex.P3, all the persons who have likely to have interest in the property as found in Ex.P4 are shown as respondents and they have no objection to grant Letters of Administration in favour of the petitioner.

4. In the result,

(i) This Original Petition is allowed and Letters of Administration to be issued in favour of the petitioner in accordance with the Rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu.

(ii) 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



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Registrar (Original Side-II) of this Court.

(iii)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
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Witnesses examined:-

PW-1 :Ms.Vijayalakshmi
PW-2 :Mr.C.Suresh

Documents marked:

Ex.P1	Photocopy of the sale deed dated 06.01.2004.
Ex.P2	Original Will of the Testatrix dated 03.09.2020.
Ex.P3	Webcopy of death certificate of the Testatrix dated 11.10.2021.
Ex.P4	Original Relationship Certificate issued by the Tahsildar, Velachery Taluk, dated 08.04.2022.
Ex.P5	Webcopy of the death certificate of Mr.R.Durairajan dated 18.01.2022.
Ex.P6	Webcopy of the death certificate of Ms.R.Padmavalli dated 29.12.2001.



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Ex.P7	Original Newspaper publication issued in Trinity Mirror dated 04.04.2024.
Ex.P8	Original Newspaper publication issued in Makkal Kural dated 13.04.2024.
Ex.P9	PW-2's affidavit as attesting witness.
Ex.P10	Photocopy of PW-2 Aadhaar Card

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