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O.P. No.558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
O.P. No.558 of 2023

Mr.G.Mohana Kannan

... Petitioner

Vs.

1.Mr.V.Kumar
2.Mr.V.Ganesan
3.Mr.V.Kannan
4.Mrs.S.Kalavathi
5.Mrs.Banu Priya
Respondents

...

PRAYER: Original Petition filed under Sections 232 & 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of O.S. Rules to grant Letters of Administration with the Will annexed herein to the petitioner as the grand son / legatee / beneficiary under the Will of the deceased V.Venugopal and V.Santha, having the effect throughout the State of Tamil Nadu.

For Petitioner : Ms.C.V.Usha Devi

ORDER

The petition has been filed seeking Letters of Administration of the joint Will of the deceased V.Venugopal and V.Santha, having effect throughout the State of Tamil Nadu, to the petitioner.



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2. The petitioner is the grand son of the testator / testatrix of the Will dated 13.06.2018. The first, second and third respondents are the sons of the testator / testatrix and the fourth respondent is the daughter of the testator / testatrix and the fifth respondent is the sister of the petitioner. The testator V.Venugopal died on 25.02.2022 and his wife V.Santha predeceased him and died on 05.01.2019. The fourth respondent did not appear before the Court and paper publication was effected and she is set *exparte*. The other respondents have given their consent for granting letters of administration to the petitioner.

3. After following the due procedure, the petitioner was directed to tender evidence. Accordingly, the petitioner examined himself as P.W.1. He marked the original Will dated 30.06.2018 as Ex.P2 and the death certificate of the testator was marked as Ex.P3. The death certificate of the testatrix was marked as Ex.P4. The legal heir certificates of the testator and testatrix were marked as Exs.P5 & P6. The documents relating to the property was marked as Ex.P10. The petitioner also examined one R.Seethapathi as P.W.2. He is one of the attesting witness and the neighbour of the testator / testatrix. He stated that the testator and testatrix were in a sound state of mind while executing the Will. He also stated that in the presence of himself



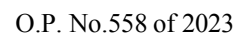
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and the other attester, they have signed the Will. The affidavit of P.W.2 is marked as Ex.P13.

4. Taking into consideration the nature of the evidence deposed and the documents produced, this Original Petition stands allowed. The Letters of Administration to be issued 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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Petitioner's witness:

P.W.2 - Mr.R.Seethapathi

<i>Exhibits</i>	<i>Documents</i>
P1	the certified copy of the sale deed dated 30.07.2007 executed in favour of Mr.V.Venugopal and Mrs.V.Santha.
P2	the unregistered Will and Testament dated 30.06.2018 executed by Mr.V.Venugopal and Mrs.V.Santha.
P3	the computer generated death certificate of Mr.V.Venugopal.
P4	the computer generated death certificate of Mrs.V.Santha.
P5	the computer generated legal heir certificate of Mr.V.Venugopal.
P6	the computer generated legal heir certificate of Mrs.V.Santha.
P7	the computer generated legal heir certificate of Mrs.Mohanambal.
P8	the computer generated property tax receipt dated 28.12.2021 stands in the name of Mr.V.Venugopal Chettiar.
P9	the original valuation report dated 11.07.2022.
P10	the affidavit of assets showing the net value of the estate as Rs.31,22,500/-.
P11	the copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 22.03.2024.
P12	the copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 29.03.2024.
P13	Affidavit of P.W.2

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