



O.P. No.725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No.725 of 2023

S.Kumar

... Petitioner

VS.

Dhachayani

... 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 with Will annexed of the properties and credits of deceased may be granted to the petitioner as brother/ beneficiary/ Legatee under the Will of deceased to have effect throughout the state of Tamil Nadu.

For Petitioner : Mr.S.Raja Ravi Varma

ORDER

The petition has been filed seeking grant of Letters of Administration relating to a Will executed by the brother of the petitioner, S.Sivasanmugam, who died on 12.08.2009. He had executed a Will dated 27.09.2006.



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2. The mother of the testator died on 28.01.2022. The respondent is the widow of the testator. After following due procedure, the petitioner was directed to tender evidence and he examined himself as PW.1 and marked Ex.P1, the original Will dated 27.09.2006 and also marked Exs.P2 and P3, the death certificate and legal heir ship certificate of the testator. The affidavit of assets had been marked as Ex.P7. Quite apart from the petitioner, P.W.2 was also examined, who was one of the attesting witnesses. He identified Ex.P1 and also stated that at the time of execution of Will, the testator was in a sound state of mind and that the Will was signed in his presence and he also signed in the presence of the testator.

3. 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. Such Letters of Administration shall have effect throughout the State of Tamilnadu. 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



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(Original Side) of this Court. 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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APPENDIX

Petitioner's witness:

P.W.1 – Mr.S.Kumar
P.W.2 – Mr.R.Vasu

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	The Original Will dated 27.09.2006 executed by Mr.S.Sivasanmugam
P2	The photocopy of the death certificate of Mr.Sivasanmugam (compared with the original).
P3	The photocopy of the legal heirship certificate of Mr.Sivasanmugam (compared with the original)
P4	The photocopy of the sale deed dated 01.09.2000 executed in favour of Mr.Sivasanmugam and Mr.S.Kumar (compared with the original)
P5	The online printout of the patta bearing No.2985 dated 09.11.2022 in respect of the property standing in the name of Mr.Sundara Vadivel Mudaliar and Mr.Sivasanmugam
P6	The photocopy of the sale deed dated 17.05.2004 executed in



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<i>Exhibits</i>	<i>Documents</i>
	favour of Mr.S.Sivasanmugam and Mr.S.Kumar (compared with the original)
P7	The affidavit of assets showing the net value of the estate as Rs.1,10,00,000/-
P8	The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 14.02.2024.
P9	The copy of the paper publication effected in one issue of Tamil Daily “Trinity Mirror” dated 22.02.2024.
P10	The affidavit of attesting witness Mr.R.Vasu

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