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O.P. No.70 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.09.2024**

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P. No.70 of 2024

P.Sakthivadivel
Rep. by Power of Attorney
T.Tamil Selvan

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Petitioner

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act 1925 r/w Order XXV Rule 5 of the Original Side Rules in the matter of Indian Succession Act XXXIX of 1925 and in the matter of the last Will and Testament of Miss.Kavery K.A. (deceased)

For Petitioner : Mr.K.Mukesh Kumar

ORDER

This petition has been filed for grant of letter of administration in the matter of Indian Succession Act XXXIX of 1925 and in the matter of the certified copy of the last Will and testament of Miss.Kavery K.A. (deceased).



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2. The petitioner is the third party filed petition for grant of letter of administration in the matter of Indian Succession Act XXXIX of 1925 and in the matter of the certified copy of the last Will and testament of Miss.Kavery K.A. (deceased). The petitioner is not a relative of the testator however beneficiary under the Will and he was represented by his Power of Attorney. The Power of Deed was marked as Ex.P2. The petitioner is a family friend and care taker of the deceased Miss Kavery K.A. The testator has appointed the petitioner as a beneficiary through a registered Will dated 05.09.2018 vide Doc.No.37 of 2018 in the Office of the Sub Registrar, Periamet. The last Will and testament of the said Miss Kavery K.A. (deceased) was duly executed at Chennai on 05.09.2018 in the presence of the witnesses whose names appear at the foot thereof, when the deceased was in a sound and disposing state of mind and the same was registered as Doc.No.37 of 2018 in the Office of the Sub-Registrar, Periamet.

3. The petitioner is the family friend and was the only care taker of the Miss Kavery K.A. (deceased). No executor was appointed under the Will and the petitioner is the sole beneficiary in the Will. Hence, the petitioner applied for Letters of Administration to the immovable property to



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an extent of having a build-up 1030 sq.ft. in the 4th floor comprising Flat No.4/D, area and entire building has been named as “The New Chesney Nilgiri Apartment” provided all basic amenities such as water, electricity service connection, sanitation, etc. morefully described in the Will left behind by late Miss.Kavery K.A. (deceased). There is no other next kith and kin or other persons interested to be impleaded as party/respondents except the petitioner. The testator died unmarried and there are no surviving legal heirs and natural offspring up to the petitioner's knowledge.

4. PW2 and PW3 are the attestors of the Will. Mr.T.Tamilselvan, who is the power agent of the petitioner examined himself as PW1 and marked Exs.P1 to P9. PW2 – Mr.V.D.Ramanathan aged 73 years deposed regarding the sound state of mind and good health of the testator at the time of execution of Ex.P1-Will. PW3 – Mrs.R.Usha aged 74 years deposed that the deceased K.A.Kavery executed the Will in her presence and in the presence of her husband, PW2 and she was in a sound state of mind and good health at the time of execution of the Will.

5. Taking into consideration the documents available on record and the fact that paper publications have been effected and the learned Master



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has not received any objections, I find that necessary ingredients for proof of the Will has been made out and the same was proved in the manner known to law. Accordingly, this 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 (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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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.T.Tamilselvan
P.W.2 – Mr.V.D.Ramanathan
P.W.3 – Mrs.R.Usha



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Documents marked:

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<i>Exhibits</i>	<i>Documents</i>
P1	Original Will dated 05.09.2018 executed by Ms.K.A.Kavery
P2	Original Power of Attorney dated 16.11.2023 executed in favour of PW1
P3	Photocopy of the sale deed dated 07.04.1976 executed in favour of Ms.K.A.Kavery (compared with the original)
P4	Computer generated death certificate of Ms.K.A.Kavery
P5	Photocopy of the Aadhar Card of Ms.K.A.Kavery (compared with the original)
P6	Affidavit of assets showing the net value of the estate as Rs.2,15,49,000/-
P7	Copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 06.04.2024.
P8	Copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 13.04.2024.
P9	Certificate under Section 65B of the Indian Evidence Act 1872.

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