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O.P.No.268 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.11.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.268 of 2024

1. Mrs.Rajameenakshi.
2. Mrs.Rajalakshmi.

... Petitioners

Prayer: Original Petition has been filed under Sections 232 & 276 of Indian Succession Act r/w Order XXV Rules 5 of Original Side Rules, praying that Letter of Administration with the Will annexed may be granted to them as NIECES of the deceased/beneficiary/legatee under the Will of the said deceased having effect limited to the State of Tamil Nadu and such other relief.

For Petitioners : Mr.J.Karunanathi.



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ORDER

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The Original Petition has been filed under Sections 232 & 276 of Indian Succession Act r/w Order XXV Rules 5 of Original Side Rules for grant of Letter of Administration with the Will annexed to Nieces of the deceased/beneficiary/legatee.

2. The petitioner is the younger sister of the testatrix, K.J. Sarasa, who died as spinster on 02.01.2012. She was born with three sisters, of whom the eldest, Smt. Susila, married one Ramasamy but remained childless and died on 03.03.2015. The next sister, Smt. Sharadha, died as spinster on 29.06.2008. The third sister, Smt. Seetha, is the mother of the petitioner herein.

3. During her lifetime, the said K.J.Sarasa had acquired the property mentioned in the schedule under a sale deed dated 11.05.1960, using her own earnings and subsequently developed the property. She bequeathed the said property in favour of the petitioner through an unregistered *Will* dated 19.04.2004. Upon the death of K.J. Sarasa on 02.01.2012, the *Will* came into effect. The two petitioners, who are the legatees under the *Will* share the property equally, are now before this Court seeking Letters of Administration.



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4. To prove the execution of the Will, one of the attesting witnesses, namely Mr.J.Srinivasa Mohan, was examined as P.W.2. He testified about the execution of the *Will* by the late K.J. Sarasa in his presence. The death certificate of K.J. Sarasa, the testatrix, is marked as Ex.P.1. The unregistered Will, marked as Ex.P.7, was identified and testified by both P.W.1 and the attesting witness, P.W.2. The death certificates of the three sisters are marked as Ex.P.2, Ex.P.3, and Ex.P.4.

5. The petitioners are the surviving descendants of the family and they are named as beneficiaries to the property of K.J.Sarasa.

6. In view of the fact that the due execution of the *Will* been spoken by third party attesting witness and title document also indicates the right of the testatrix over the property.

7. In fine, this ***Original Petition stands allowed*** and Letters of Administration is ordered to be issued in favour of the petitioner herein. 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



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Twenty Five Thousand only) in the name of the Assistant Registrar (O.S-II) 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.
Internet : Yes/No.
bsm

Petitioner's witness:

P.W.1 – Mr.J.Srinivasa Mohan.

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Computer generated death certificate of Mrs.K.J.Sarasa
Ex.P.2	Computer generated death certificate of Mrs.R.Susila
Ex.P.3	Computer generated death certificate of Mrs.Saradha
Ex.P.4	Computer generated death certificate of Mrs.K.J.Seetha.
Ex.P.5	Photocopy of the marriage invitation card of the second petitioner.
Ex.P.6	Photocopy of the sale deed dated 11.05.1960 executed in favour of Mrs.K.J.Sarasa.
Ex.P.7	Original unregistered Will and Testament dated 19.04.2004 executed by Mrs.K.J.Sarasa
Ex.P.8	Photocopy of the family card of the Testatrix and the petitioners
Ex.P.9	Photocopy of the Aadhaar Card of the first petitioner
Ex.P.10	Photocopy of the Aadhaar Card of the second petitioner
Ex.P.11	Affidavit of assets showing the net value of the estate as Rs.4,00,00,000/-
Ex.P.12	Copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 10.08.2024.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P.13	Copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 17.08.2024.
Ex.P.14	Certificate under Section 65B of the Indian Evidence Act, 1872.

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