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O.P.No.410 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.03.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.410 of 2024

Padma Priya

...Petitioner

vs.

1.K.Paneerselvam

2.K.Gokulakrishnan

...Respondents

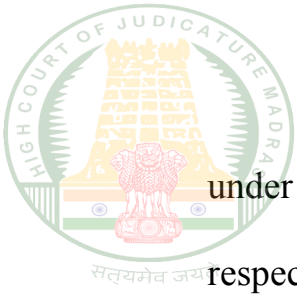
PRAYER: Original Petition filed for grant of Letters of Administration of the Will under Section 232, & 276 of the Indian Succession Act 1925 (Act 39 of 1925) and Order XXV Rule 5 of the Rules of the High Court of Madras (Original Side)

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.A.Gowtham

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 27.01.2005 executed by late.K.Vasantha, who died on 14.11.2016. The petitioner is the daughter and the respondents are the son of the testatrix. The husband of the testatrix predeceased her on 05.05.2013. The testatrix has not appointed an executor

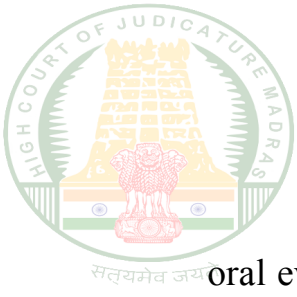


under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

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2. The petitioner has examined herself as PW1. She has produced the original registered Will and Testament dated 27.01.2005 as Ex.P2. The computer generated death certificates of the testatrix and her husband as Ex.P5 and Ex.P3. The photocopy of the legal heirship certificate of the testatrix's husband as Ex.P4. On perusal of Ex.P4, it shows that the testatrix and her husband had three children who are the petitioner and the respondents herein. The paper publications have been made and marked as Ex.P9 and Ex.P10. No objection has been received from any person.

3. The petitioner has examined Mr.K.Gokulakrishnan and Mr.K.Panneerselvam, who are the attesting witness to the said Will and the respondents herein as PW2 and PW3. They have spoken about the execution of the Will by the testatrix and its attestation by them and have marked their affidavit as Ex.P11 and Ex.P13.



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4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

5. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioner, in respect of the Will dated 27.01.2005 of the testatrix K.Vasantha. 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

Petitioner's witness:

P.W.1 - Mrs.Padmapriya
P.W.2 – Mr.K.Gokulakrishnan
P.W.3 – Mr.K.Panneerselvam

Documents exhibited by the petitioners:



Exhibits	Documents
Ex.P1	Photocopy of the sale deed dated 02.03.1992 executed in favour of Mrs.K.Vasantha (Compared with the original)
Ex.P2	Original registered Will and Testament dated 27.01.2005 executed by Mrs.K.Vasantha.
Ex.P3	Computer generated death certificate of Mr.K.Kabali.
Ex.P4	Photocopy of the legal heirship certificate of Mr.K.Kabali (Compared with the original)
Ex.P5	Computer generated death certificate of Mrs.K.Vasantha.
Ex.P6	Photocopy of my aadhar card (Compared with the original)
Ex.P7	Certificate under Section 65 B of Evidence Act, 1872.
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.38,25,000/-
Ex.P9	Copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 14.12.2024.
Ex.P10	Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 29.12.2024.
Ex.P11	My affidavit
Ex.P12	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P13	My affidavit.
Ex.P14	Photocopy of my Aadhaar Card (Compared with the original)

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