



WEB COPY

O.P.No.468 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.04.2025**

CORAM

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

O.P.No.468 of 2023

Mala Muralidharan

...Petitioner

PRAYER: Original Petition filed for Letters of Administration of the Will in respect of immovable asset belonging to K.Sundararajan (Testator) under Section 232 & 276 of the Indian Succession Act 1925 read with Under Order XXV Rule 5 of O.S. Rules, prays that Letters of Administration with the Will annexed may be granted to her as being the daughter of K.Viswanathan being the only younger brother of the deceased and beneficiary under the registered Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : M/s.K.Seetha Ram

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 19.07.2017 executed by Late.Mr.K.Sundarajan, who died on 15.08.2017. The property mentioned in the schedule was purchased by the testator through the Sale Deed registered under the Doc.No.1371 of 1983 dated 31.10.1983. The petitioner is the niece of the testator through Late.Mr.Viswanathan who is the predeceased younger brother of the testator. The petitioner submits that the



Late.Mrs.S.Jayalakshmi wife of the testator predeceased him on 14.10.2016

and that the testator and his wife did not have any children. The petitioner is the sole beneficiary named under the said Will dated 19.07.2017. There has been no executor appointed by the testator under the said Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The petitioner has examined herself as PW1. She has produced the certified copy of the original will and testament dated 19.07.2017 as Ex.P1. The death certificates of the Testator and testator's wife Late.Mrs.S.Jayalakshmi have been marked as Ex.P17 and Ex.P18. The photocopy of the Sale Deed dated 31.10.1983 registered in favour of the testator has been marked as Ex.P2. The aadhar card of the petitioner is marked as Ex.P8. The perusal of Ex.P1 clearly exhibits that the testator had named the petitioner as the sole beneficiary under the said Will dated 19.07.2017. The paper publications have been made which are marked as Ex.P11 and Ex.P12 and no objections have been received for the same.



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3. The petitioner has examined Dr.J.Lakshmanan and Mr.S.Sridharan, who are the first and second attesting witnesses to the said Will as PW2 and PW3 respectively. They have spoken about the execution of the Will by the testator and its attestation by them and have marked their affidavits as Ex.P13 and Ex.P15 respectively.

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 19.07.2017 of the testator Late.Mr.K.Sundarajan. 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:

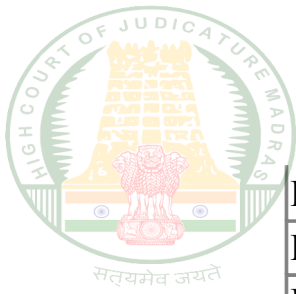
P.W.1 – Mrs.Mala Muralidharan

P.W.2 – Dr.J.Lakshmanan

P.W.3 – Mr.S.Sridharan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 19.07.2017 executed by Mr.K.Sundararajan.
Ex.P2	Photocopy of the sale deed dated 31.10.1983 executed in favour of Mr.K.Sundararajan (Compared with the original)
Ex.P3	Photocopy of the death certificate of Mr.K.Sundararajan (Compared with the original)
Ex.P4	(Series 5 Nos) are the computer generated property tax receipts in respect of the property standing in the name of Mr.K.Sundararajan.
Ex.P5	(Series 4 Nos) are the computer generated water tax receipts in respect of the property standing in the name of Mr.K.Sundararajan.
Ex.P6	Computer generated electricity bill in respect of the property standing in the name of Mr.K.Sundararajan.
Ex.P7	Photocopy of PAN Card (Compared with original)
Ex.P8	Photocopy of Aadhaar Card (Compared with original)
Ex.P9	Certificate under Section 65B of Indian Evidence Act, 1872.
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.17,36,640/-
Ex.P11	Copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 24.07.2024.
Ex.P12	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 01.08.2024.
Ex.P13	Affidavit.



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Ex.P14	Photocopy of Aadhaar Card (Compared with the original)
Ex.P15	Affidavit.
Ex.P16	Photocopy of Aadhaar Card (Compared with the original)
Ex.P17	Computer generated death certificate of Mr.K.Vishwanathan.
Ex.P18	Photocopy of the death certificate of Mrs.S.Jayalakshmi. (Compared with the original)
Ex.P19	Certificate under Section 65 B of the Indian Evidence Act, 1872.

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