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O.P.No.458 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.07.2025**

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

O.P.No.458 of 2024

T.S.Kalyanaraman

...Petitioner

VS.

1.Mrs.Devi @ Devaki

2.T.S.Seetharaman

...Respondents

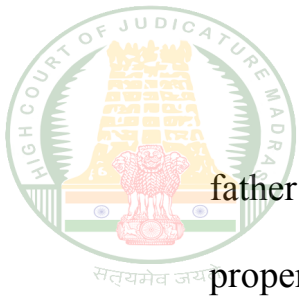
PRAYER: Original Petition filed under Sections 232 and 276 of Indian Succession Act 1925 read with order XXV Rule 5 of the Original Side Rules praying that Letters of Administration with the Will annexed may be granted to the petitioner as son of the deceased beneficiary/legatee under the Will of the deceased, having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.R.Sathish Kumar

For Respondents : No appearance/Served

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 17.06.1998 executed by late.Kamakshi, who died on 25.02.2013. The petitioner and the respondents are the nephews and niece of the testatrix through her sister. The petitioner and the respondents are the siblings. The subject property belonged to the



father and father's brother of the testatrix and through family arrangement property was allotted to the testatrix. The petitioner is the beneficiary under the Will. The testator did not appoint an executor under the Will. Hence, 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 himself as PW1. He has produced the death certificate of the Testatrix as Ex.P2. The original registered will and testament dated 17.06.1998 as Ex.P1. The family arrangement between the family members as Ex.P3. A perusal of Ex.P1 shows that the testatrix whose husband predeceased her and had no issues, had bequeathed her share in the property to her sister's son, the petitioner herein. The consent affidavit of the second respondent is marked as Ex.C1. The respondents inspite of service of notice on them, they kept themselves away from the proceeding of this case. The paper publications were made and no objections were received from any person.

3. The petitioner has examined Mr.R.Vishwanathan, who is the second attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him.



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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 17.06.1998 of the testatrix late.Kamakshi. 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 – Mr.T.S.Kalyanaraman

P.W.2 – Mr.R.Viswanathan



Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Last Will and Testament of Kamakshi ammal dated 17.06.1998.
Ex.P2	Online copy of the death certificate of Kamakshi ammal (date of death 25.02.2013) dated 20.03.2013.
Ex.P3	Photocopy of the registered family arrangement, dated 06.12.1983.(Original produced, compared and verified)
Ex.C1	Consent affidavit filed by R1 Devi @ Devaki.

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