



O.P.No.746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Original Petition No.746 of 2023

G. Sanjay

... Petitioner

Vs

1. Govindaraj
2. Vijayakumari
3. Shakila Banu

.... Respondents

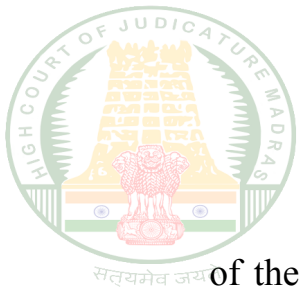
Prayer:- This Original Petition has been filed under Sections 232 and 276 of Indian Succession Act (29) of 1925 r/w order XXV Rule 5 of the Original Side Rules for grant of letters of administration to the petitioner with the Will annexed as nephew legatee under the Will of the said deceased Tmt.G.Latha have effect limited to the State of Tamil Nadu.

For petitioner : Mr.R.S.Kirubakaran

For Respondents : M/s.B.Priya

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 06.11.2020 executed by late.G.Latha, who died on 15.09.2021. The petitioner is the Brother's son



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of the testatrix and the respondents are the siblings of the testatrix. The husband of the testatrix predeceased her and there were no issues for them. The petitioner and respondents are the only surviving legal heirs of the testatrix. The petitioner is the only beneficiary 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 himself as PW1. He has produced the death certificates of the Testatrix and her husband late.N.Govindharajulu as Ex.P2 and Ex.P3. The Original registered will and testament dated 06.11.2020 as Ex.P1. The legal heir certificate of the testatrix's husband as Ex.P4. On perusal of the Ex.P4, it clearly exhibits that the testatrix and her husband died issueless. A paper publication has been made and marked as Ex.P.6 and Ex.P7 wherein it exhibits the petitioner and respondents are the surviving legal heirs of the testatrix. No objection has been received from any person. The petitioner is the only surviving legal heir of the testatrix late.G.Latha. The learned counsel for the petitioner submitted the no objection affidavit of the respondents.



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3. The petitioner has examined Mrs.V.Lakshmi, who is the second attesting witness to the said Will as PW2. She has spoken about the execution of the Will by the testator and its attestation by her and has marked her affidavit as Ex.P11.

4. 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 06.11.2020 of the testatrix late.G.Latha. 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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Internet : Yes / No

Index : Yes / No



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Petitioner's witness:

P.W.1 – Mr.G.Sanjay

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Original registered Will and Testament executed by Mrs.G.Latha in November 2020 which was registered on 06.11.2020.
Ex.P.2	Computer generated death certificate of Mrs.Latha.
Ex.P.3	Computer generated death certificate of Mr.N.Govindharajulu
Ex.P.4	Photocopy of the legal heir ship certificate of Mr.N.Govindharajulu (compared with the original).
Ex.P.5	Affidavit of assets showing the net value of the estate as Rs.50,00,000/-
Ex.P.6	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 08.10.2024.
Ex.P.7	Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 16.10.2024.
Ex.P.8	Certificate under Section 65 B of the Indian Evidence Act, 1872.

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K. KUMARESH BABU, J.

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