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O.P. No.447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.447 of 2023

Daisy Thangam W/o. Nithiyanandam

... Petitioner

PRAYER: Original Petition is filed under Section 232 and 276 of the Indian Succession Act of 1925, XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration with the Will annexed, to the petitioner as grand niece / beneficiary under the Will of the deceased having effect through out the State of Tamil Nadu.

For Petitioner : Mr. N. Kannan

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration with the Will, annexed to the petition, as the grand niece / beneficiary under the Will of the said



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deceased having effect throughout the State of Tamil Nadu.

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2. After filing of this petition, this Court directed the petitioner to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected and thereafter no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P9 were marked.

3. According to the petitioner, one Ms. T. I. Rosey died on 24.09.2020 and the last Will and Testament of the said Ms. T.I. Rosey was duly executed by her at Chennai on 30.09.1990. There is no executor appointed under the said Will. The petitioner is the only beneficiary. The value of assets which are likely to come into the petitioner's hand does not exceed in the aggregate sum of Rs.2,50,00,000/-. There is no other next of kin to the said deceased Smt. T.I. Rosey. The deceased is an unmarried woman. There is no surviving legal

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heir to the deceased. The petitioner is the grand daughter of one

Ms. Elizabeth Aniperambil Simon, who is the sister of the Testator Ms. T.I.

Rosey. The petitioner had taken care of the testator. Therefore the petitioner

has filed this petition. The petitioner undertakes to duly administer the

property and credits of the said Ms. T.I. Rosey.

4. PW1 is the petitioner herein. PW2 is the attesting witness of the

Will and PW2 has categorically deposed about the execution of the Will and

attestation. Therefore, the execution of the Will and attestation are duly

proved in accordance with law. There is no any rival claim against the Will.

The available evidences amply proved the execution and attestation of the

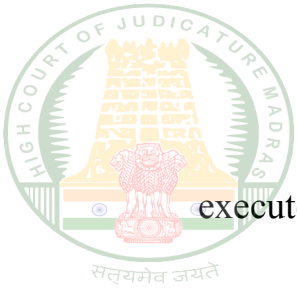
Will. Therefore, the petitioner has proved the Will in the manner known to

law and he is entitled to the relief as prayed for in the petition.

4. Therefore, this Original Petition is ***allowed*** and Letter of

Administration, in respect of the Will and Testament dated 30.09.1990

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executed by Ms. T.I. Rosey (deceased) in favour of the petitioner, is granted.

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5. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a **security bond** for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** in favour of the **Assistant Registrar (O.S.II), High Court, Madras**. The petitioner is further directed to render true and correct accounts once in a year.

25.09.2025

Index : Yes/No
Speaking Order : Yes/No
mjs

List of Petitioner side Witnesses:

PW1 : Mrs. Daisy Thangam

PW2 : Mrs. Prema Chokkalingam

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List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	30.09.1990	Original Will executed by Ms. T.I. Rosey.
Ex.P.2	-	Computer generated Death Certificate of Ms. T.I. Rosey.
Ex.P.3	21.02.2022	Online printout of Encumbrance Certificate for the period from 01.01.2011 to 17.02.2022 in respect of the property mentioned in the petition.
Ex.P.4.	-	Affidavit of Assets showing the net value of the Estate as Rs.2,50,00,000/-.
Ex.P.5.	09.11.2023	Paper publication effected in one issue of Tamil Daily in "Makkal Kural".
Ex.P.6	16.11.2023.	Paper publication effected in one issue of English Daily in "Trinity Mirror".
Ex.P.7	-	Signature of 2nd Attesting witness Mrs. Prema Chokkalingam in Ex.P.1 Will.
Ex.P.8	-	Signature of 2nd Identifying witness Mrs. Prema Chokkalingam in Ex.P.1 Will.
Ex.P.9	-	Attesting affidavit filed by Mrs. Prema Chokkalingam.



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