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O.P.No.130 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.02.2025**

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

**O.P.No.130 of 2024**

Sri.Anantha Subramanian alias Sivakumar ...Petitioner

vs.

Mrs.Raja Rajeswari ...Respondent

**PRAYER:** Original Petition filed under Section 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Madras High Court Original Side Rules, prays that Letters of Administration with the Will annexed may be granted to the petitioner as stepson beneficiary under the will of the said deceased having effect through out the State of Tamil Nadu.

For Petitioners : Mr.D.Govinda Reddy

**ORDER**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 06.03.1985 executed by late S.S.Padma, who died on 30.06.1993. The petitioner and respondent are the siblings and children of the husband of the deceased S.S.Padma through second marriage. There were no issues between the testatrix and her husband.



Testatrix's husband got married to the mother of the parties in the O.P with the consent of the testatrix to have children. The petitioner is the beneficiary under the said will. 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.

2. The petitioner has been examined as PW1. He has produced the death certificate of the Testatrix as Ex.P2. The Original registered will and testament dated 06.03.1985 as Ex.P1. The photocopy of the Aadhar card compared with the original as Ex.P9. The paper publications were made and marked as Ex.P6 and Ex.P7 wherein it is stated that the petitioner and the respondent are the only surviving legal heir of the testatrix. Objections have not been received from any person. The learned counsel for the petitioner submitted the consent affidavit of the respondent. The respondent inspite of service of notice has remained absent and kept herself away from the proceedings.

3. The petitioner has examined Mr.T.Chakravarthy, who is the first



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 and his affidavit is marked as Ex.P10.

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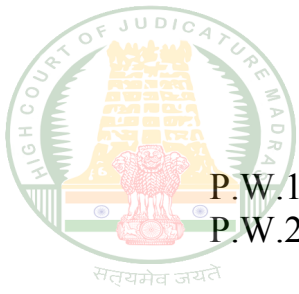
4.The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

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 06.03.1985 of the testatrix late.S.S.Padma. 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.Anantha Subramanian alias Sivakumar

P.W.2 – Mr.T.Chakravarthy

**Documents exhibited by the petitioners:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                 |
|------------------------|---------------------------------------------------------------------------------------------------------|
| Ex.P1                  | Original Will dated 06.03.1985 executed by Mrs.S.S.Padma.                                               |
| Ex.P2                  | Original death certificate of Mrs.S.S.Padma.                                                            |
| Ex.P3                  | Original legal heir ship certificate of Mrs.S.S.Padma.                                                  |
| Ex.P4                  | Computer generated property tax receipt dated 03.09.2022 standing in my name.                           |
| Ex.P5                  | Affidavit of assets showing the net value of the estate as Rs.49,50,000/-                               |
| Ex.P6                  | Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 02.10.2024.     |
| Ex.P7                  | Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 09.10.2024. |
| Ex.P8                  | Certificate under Section 65 B of the Indian Evidence Act, 1872.                                        |
| Ex.P9                  | Photocopy of my Aadhaar Card (Compared with the original)                                               |
| Ex.P10                 | My affidavit.                                                                                           |
| Ex.P11                 | Photocopy of my Aadhaar Card (Compared with the original)                                               |

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**K.KUMARESH BABU, J.**

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