



O.P.No.42 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :21.01.2025

Pronounced on :23.01.2025

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.42 of 2024

Smt.Sushma Midha  
W/o Shri Anil Midha  
Plot No.1448, I Block,  
40<sup>th</sup> Street, 6<sup>th</sup> Avenue,  
Anna Nagar West,  
Chennai 600 040.

.. Petitioner

/versus/

1.Smt.Laxmi Satija (deceased)  
W/o late Jaswant Lal Satija  
No.3/540 Gomti Nagar,  
Lucknow 226 010, Uttar Pradesh.  
(R1 died, petitioners R2 and R3 are the  
legal heirs of the deceased R1 and they  
are already on record) by Memo dated 06.07.2024  
and Amendment carried out as per order  
dated 03.09.2024 in O.P.No.42/24)



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2.Mr.Dilip Satiji,  
W/o late Jaswant Lal Satija  
No.3/540 Gomti Nagar,  
Lucknow 226 010, Uttar Pradesh.

3.Mr.Manoj Satija  
S/o Late Jaswant Lal Satija,  
No.7, Wonford Close, Kingston upon Thames,  
United Kingdom KT2 7XA.

.. Respondents

**Prayer:** Original Petition has been filed under Section 232 and 276 of the Indian Succession Act and under Order XXV, Rule 5 of the Original Side Rules, praying that Letters of Administration with the Will annexed may be granted to her, as the beneficiary under the Will/daughter of the bequest of the said deceased having effect throughout the whole of Union of India.

For Petitioner :Mr.Prashant Rajagopal

For R2 & R3 :Mr.Arulkirithi Anand

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### **ORDER**

The petition filed under Sections 232 and 276 of Indian Succession Act and under Order XXV Rule 5 of Original Side Rules for grant of Letters of Administration in respect of Last Will and Testament of Late Jaswant Lal Satija.



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2. The testator Jaswant Lal Satija had a wife, one daughter and two sons. He during his life time possessed the petition mentioned property which he purchased from Mr.Lachman Dharam Dass Laungani through a sale deed dated 02.02.2001. In respect of this property, he had executed the Will dated 23.12.2002 at Lucknow in favour of his daughter Smt.Sushma Midha, W/o Shri Anil Midha.

3. The testator Jaswant Lal died on 10.05.2006 at Lucknow, ( UP). His daughter, who is the beneficiary of the Will, came to know about the Will, only when she recently sorted out old papers in the cupboard of her deceased father/the testator. The petition is filed for grant of Letters of Administration by the daughter/beneficiary. The wife and sons of Late Jaswant Lal are the respondents 1 to 3. They are signatories in the Will as witnesses.



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4. To prove the due execution of the Will, the petitioner and the second respondent are examined as PW-1 and PW-2. The following documents were marked as Ex.P-1 to Ex.P-5. The paper publication inviting objections if any, from general public in two dailies circulated within the locality had no response.

| Exhibits | Details                                                                             |
|----------|-------------------------------------------------------------------------------------|
| Ex.P1    | Copy of last Will and Testament of Jaswant Lal Satija dated 23.12.2002.             |
| Ex.P2    | Photocopy of the Death Certificate of Jaswant Lal Satija dated 10.05.2006.          |
| Ex.P3    | Photocopy of the Sale Deed in Doc.No.301/2001 dated 02.02.2001.                     |
| Ex.P4    | Photocopy of the Public Notice issued in Makkal Kural Newspaper dated 22.10.2024.   |
| Ex.P5    | Photocopy of the Public Notice issued in Trinity Mirror Newspaper dated 29.10.2024. |

5. PW-2 (Mr.Dilip Satija) had identified the signature of the testator and his signature. He had deposed that the Will was executed by the testator in his presence and the testator was in good state of mind and health. Thus,



the statutory requirement to prove due execution of Will is satisfied.

6. Though the Will is propounded several years after the death of the testator, since the Will is duly registered at the Sub-Registrar Office, Lucknow and been under custody of the testator, who lived and died at Lucknow, whereas the petitioner was residing at Chennai, the reason for delay as explained in the petition is acceptable. In the view of the evidence placed, the petition to grant letters of administration in favour of the petitioner, who is the daughter of the testator and the beneficiary under the Will is granted.

**As a result,**

(i) This Original Petition is allowed and Letters of Administration to be issued in accordance with Rules. Such Letters of Administration shall have effect throughout the Union of India.



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(ii)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-II) of this Court.

(iii)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.

23.01.2025

Index:yes/no  
Internet:yes/no  
Speaking Order/Non Speaking order  
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Petitioners' witness:-

PW-1:Mrs.Sushma Midha

PW-2:Mr.Dilip Satija

Documents marked:-

| Exhibits | Details                                                                 |
|----------|-------------------------------------------------------------------------|
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DR.G.JAYACHANDRAN,J.

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delivery Order made in  
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