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O.P. No.453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.453 of 2024

N. Hemalatha Devi D/o. Late V.Madhavan ... Petitioner

vs

M. Devasenapathy @ MDS Pathy

S/o. Late V. Madhavan ... Respondent

PRAYER: Original Petition is filed under Section 232 and 276 of the Indian Succession Act 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 herein, as daughter / beneficiary under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr. Venkataswamy Babu

For Respondent : No appearance.

ORDER

This petition has been filed under Section 232 and 276 of the Indian



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Succession Act to grant Letters of Administration with the Will, annexed to

the petition, as the daughter / beneficiary under the Will of the said deceased

having effect limited to the State of Tamil Nadu.

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.P4 were marked.

3. According to the petitioner, one Tr. V. Madhavan died on 01.12.2002 leaving behind his wife Radhabai, the petitioner / daughter and the respondent / son as his legal heirs. The parents of the petitioner jointly executed a Will dated 20.04.1988 bequeathing the schedule mentioned property measuring an extent of 7203 sq. ft. in favour of the petitioner out of natural love and

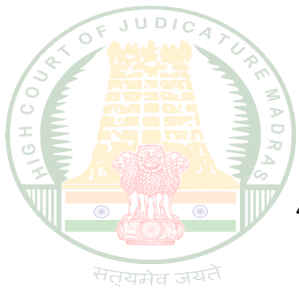
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affection. The mother of the petitioner Radhabai also died on 23.03.2007.

Out of 7203 sq. ft. some portions were already sold during the life time of the father of the petitioner. The father of the petitioner died on 01.12.2002. After the demise of her father V. Madhavan. Now 3677 sq. ft. is remaining out of 7203 sq. ft.. The said property has been originally bequeathed to the petitioner. Even during the life time of parents of the petitioner, they executed a release deed in favour of the petitioner on 22.05.1988, but the same was not registered. In the Will dated 20.04.1988, the respondent herein, who is the brother of the petitioner and one N. Vijayalakshmi have attested as witnesses. Now the whereabouts of the said N. Vijayalakshmi are not known. Except the petitioner and the respondent, there is no other legal heir or next of kin to the deceased V. Madhavan. Therefore the petitioner has filed this petition. The petitioner has further stated that the original Will which was registered on the file of SRO, Guduvancheri, was misplaced and she has filed the certified copy of the Will.



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4. PW1 is the petitioner herein. PW2 is the respondent herein and also

attesting witness of the Will and PW2 has categorically deposed about the execution of the Will and attestation. He has also confirmed in his evidence that the original Will was lost due to flood and he has no objection to probate the Will in favour of the petitioner. 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 she is entitled to the relief as prayed for in the petition.

5. Therefore, this Original Petition is *allowed* and Letter of Administration, in respect of the Will and Testament dated 20.04.1988 executed by V. Madhavan (deceased) in favour of the petitioner, is granted.

6. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the

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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.

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Index : Yes/No

Speaking Order : Yes/No

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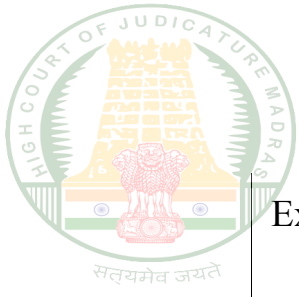
List of Petitioner side Witnesses:

PW1 : Mrs. N. Hemalatha Devi

PW2 : Mr. M. Deva Senapathy

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
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Ex.P.1.	20.04.1988	Certified copy of last Will and Testament of Mr. V. Madhavan and Mrs. Radhabai vide Doc. No.12/III/1988.
Ex.P.2	05.12.2002	Photocopy of the Death Certificate of Mr. V. Madhavan.
Ex.P.3	26.03.2007	Online copy of Death Certificate of Mrs. Radhabai.
Ex.P.4.	06.04.2010	Photocopy of the Legal Heir Certificate of Mrs. Radhabai.

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