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O.P.No.603 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2025**

CORAM

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

O.P.No.603 of 2024

1.R.Archana

2.R.Thiyagarajan

...Petitioners

PRAYER: Original Petition filed under Section 232 and Section 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of Original Side Rules, prays that Letters of Administration with the Will annexed may be granted to him as the legatees under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioners : Mr.R.S.Raveendhran

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 05.05.2006 executed by Late.Mrs.Sarojini Bai, who died on 29.09.2010. The testatrix was married to one Late.Mr.T.Balakrishnan who died on 18.09.2015, the couple had no issues in the duration of their marriage. The petitioners are the niece and nephew of the testatrix through her sister. The testatrix had appointed her



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husband Late.Mr.T.Balakrishnan who held the life interest under the Will as the executor. He died without probating the Will. The petitioners are named as the absolute beneficiaries named under the said Will. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The second petitioner has examined himself as PW1. He has produced certified copy of the registered will and testament dated 05.05.2006 as Ex.P3. The death certificates of the Testatrix and testatrix's husband Late.Mr.T.Balakrishnan have been marked as Ex.P4 and Ex.P5. On perusal of the Ex.P3 it can be deduced that the petitioners are the absolute beneficiaries named in Will executed by the testatrix. Paper publications have been made which are marked as Ex.P6 and Ex.P7 and no objections have been received for the same.

3. Mr.P.Thangaraj who was the first attesting witness was chief examined as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him and the presence of the second attesting witness.



4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are 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 petitioners, in respect of the Will dated 05.05.2006 of the testatrix Late.Mrs.Sarojini Bai. The petitioners are 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 petitioners are 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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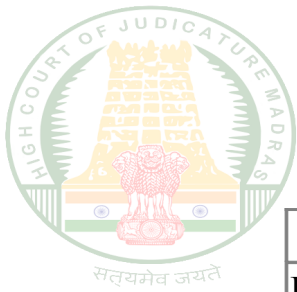
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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.R.Thiyagarajan

P.W.2 – Mr.P.Thangaraj

Documents exhibited by the petitioners:



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Exhibits	Documents
Ex.P1	Photocopy of the Deed of Sale registered as Doc.No.3420 of 1983 SRO Virugambakkam dated 27.10.1983 (Compared with original)
Ex.P2	Photocopy of the Deed of Sale registered as Doc.No.3804 of 1983 SRO Virugambakkam dated 21.11.1985 (Compared with original)
Ex.P3	Will executed by T.Sarojini Bai registered as Doc.Number 46 of 2006, SRO, Virugambakkam dated 05.05.2006.
Ex.P4	Printout of the Death Certificate of T.Sarojini Bai dated 11.12.2019. (Certificate u/s 63(4)(c) of BSA produced)
Ex.P5	Photocopy of the Death Certificate of T.Balakrishnan dated 12.03.2017. (Certificate u/s 63 (4)(c) of BSA produced)
Ex.P6	Paper Publication in Makkal Kural dated 10.02.2025.
Ex.P7	Paper Publication in Trinity Mirror dated 17.02.2025.

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