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O.P.No.409 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.03.2025**

CORAM

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

O.P.No.409 of 2024

1.K.L.Dheenadhayalan

2.K.L.Somasundaram

...Petitioners

vs.

1.Mrs.S.Gomathi

2.Mrs.A.Hemalatha

...Respondents

PRAYER: Original Petition filed under Section 232 & 276 of Indian Succession Act read with Order XXV Rule 5 of O.S. Rules, prays that Letters of Administration with the Will annexed may be granted to them as the sons/beneficiaries under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioners : M/s.S.Jayanthi

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 06.02.2003 executed by Late.Mr.I.K.Kanniappan, who died on 05.02.2022. The petitioners and the respondents are the children and the only legal heirs of the testator. The



petitioners are the only beneficiaries under the said will. The testator had not appointed an executor under the Will. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The first petitioner has examined himself as PW1. He has produced the death certificates of the Testator and testator's wife late.Mrs.Loganayagi as Ex.P1 and Ex.P4. The certified copy of the registered will and testament dated 06.02.2003 as Ex.P2. The legal heir certificate of the testator is marked as Ex.P3. On perusal of the Ex.P3, it clearly exhibits that the testator had a wife who died on 19.09.2023 and four children who are the petitioners and respondents herein. The petitioners and the respondents are the only surviving legal heirs of the testator. From Ex.P2 it's clear that the petitioners are the only beneficiaries of the above said will dated 06.02.2003. Both the first and the second respondents have submitted their consent affidavits. The paper publications were made and marked as Ex.P12 and Ex.P13, no objections have been received.



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3. The petitioner has examined Mr.G.Rajasekar, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator and its attestation by him and the second attesting witness and has marked his affidavit as Ex.P14.

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 06.02.2003 of the testator Late.Mr.I.K.Kanniappan. 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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Index :Yes/No

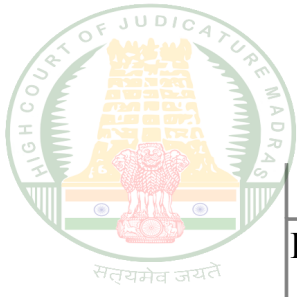
Petitioner's witness:

P.W.1 – Mr.K.L.Dheenadhayalan

P.W.2 – Mr.G.Rajasekar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Computer generated death certificate of Mr.I.K.Kanniappan.
Ex.P2	Original registered Will dated 06.02.2003 executed by Mr.I.K.Kanniappan.
Ex.P3	Computer generated legal heir ship certificate of Mr.I.K.Kanniappan.
Ex.P4	Computer generated death certificate of Mrs.Loganayagi.
Ex.P5	Photocopy of the sale deed dated 30.08.1930 executed in favour of Mr.I.Kanagasabapathy Nayagar. (Compared with the original)
Ex.P6	Photocopy of the death certificate of Mr.I.Kanagasabapathy Nayagar (Compared with the original)
Ex.P7	Photocopy of the legal heirship certificate of Mr.I.Kanagasabapathy (Compared with the original)
Ex.P8	Certified copy of the lease deed dated 24.11.1980 entered into between Mrs.C.Kannikaparameswari as the Releasor and Mr.I.K.Kanniappan as the Releasee (Compared with the original)
Ex.P9	Photocopy of the Unregistered family arrangement dated 19.01.2003 between Mr.I.K.Kanniappan and his daughters (Compared with the original)
Ex.P10	Affidavit of assets of showing the net value of the assets as Rs.50,00,000/-
Ex.P11	Affidavit under Section 65 B of the Indian Evidence Act,



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Ex.P12	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 24.10.2024.
Ex.P13	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 01.11.2024.
Ex.P14	Affidavit.
Ex.P15	Photocopy of Aadhaar Card (Compared with the original)

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