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O.P.No.113 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.03.2025**

CORAM

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

O.P.No.594 of 2024

1.Lakshmanan.N
2.Meenakshi.A
3.Narayanan.N
4.Kothai.S

...Petitioners

vs.

Sivagami.V

...Respondent

PRAYER: Original Petition filed under Section 232 (a) & 226 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, praying that this Hon'ble Court may be pleased to grant Letters of Administration with the Will Annexed in favour of Kotahi.S, the 4th petitioner herein and the Niece of the late Lakshmi Natsan, as the beneficiary/legatee under the will of the deceased having effect throughout the State of Tamil Nadu.

For Petitioners : Mr.Advaith.R.
For Respondent : No appearance

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 09.12.2023 executed by late.Lakshmi Natesan, who died on 12.12.2023. The testator is unmarried and also does not have children. The fourth petitioner is the niece and the other petitioners and the respondent are the siblings of the testator and the only surviving legal heirs of the testator. The petitioners are the only beneficiaries under the said will. The testator did not appoint an executer 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 fourth petitioner has examined herself as PW1. She has produced the death certificate of the Testator as Ex.P2. The original will and testament dated 09.12.2023 as Ex.P1. The consent affidavit of the respondent as Ex.P5. The paper publication had been made and marked as Ex.P7 and Ex.P8. No objections has been received from any person. On perusal of the Ex.P1, shows that the testator bequeathed his property to his niece and the siblings who are the petitioners herein.



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3. The petitioner has examined Mr.D.Kumaresan, who is the second 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 has marked his affidavit as Ex.P9.

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 09.12.2023 of the testator late.Lakshmi Natesan. 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 - Mrs.Kothai.S.

P.W.2 – Mr.D.Kumaresan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 09.12.2023.
Ex.P2	Computer generated copy of the death certificate of Ms.Lakshmi Natesan issued on 26.12.2023.
Ex.P3	Photocopy of the sale deed dated 09.10.1975 (Original is produced, compared and returned to the petitioner's counsel)
Ex.P4	Certified copy of the sale deed dated 07.09.1992.
Ex.P5	Consent affidavit of the respondent.
Ex.P6	Affidavit of assets where the net value of the estate is shown as Rs.3,01,55,000/-.
Ex.P7	Paper publication in one issue of Tamil Daily Dinamani dated 06.01.2025.
Ex.P8	Paper Publication in one issue of DT Next dated 14.01.2025.
Ex.P9	My affidavit as attesting witness.
Ex.P10	The photocopy of my Aadhar is marked as Ex.P10 (Original is produced, compared and returned to the petitioner's counsel)

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