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O.P.No.693 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03-09-2025**

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP NO. 693 of 2024

Mrs.V.Sabitha
W/o. Venkata Varadhan,
No.14, 3rd Cross Street,
Brindavanam,
Pondicherry 605 013.

Petitioner(s)

Prayer : Original Petition has been filed under Sections 232 and 276 of Indian Succession Act (XXXIX of 1925) and Order XXV Rule 5 of the Original Side Rules praying to grant Letters of Administration with the Will to the petitioner as the brothers' daughter as the beneficiary under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioner(s):

M/s.J.Bharathiraja
R.Saritha
J.Kabilan

ORDER

The original petition has been filed under Sections 232 and 276 of the Indian Succession Act (XXXIX of 1925) and Order XXV Rule 5 of the Original Side Rules to grant Letters of Administration with the Will annexed



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to the petitioner as the brothers' daughter/beneficiary under the Will of the deceased, having effect limited to the State of Tamil Nadu.

2. According to the petitioner, the scheduled mentioned property was purchased by one V. Kumarasamy Naickar through a sale deed dated 15.10.1948. Thereafter, one V. Mohandoss purchased the property from the legal heirs of said V. Kumarasamy Naickar through a Sale Deed dated 09.07.1982. The said V. Mohandoss died intestate, leaving behind his wife, M. Saraswathi, on 03.08.2016. The said M. Saraswathi, during her lifetime, executed a Will in favour of the petitioner on 05.09.2017. The petitioner is none other than the daughter of the brother of the deceased M. Saraswathi. The Will was duly registered. The said M.Saraswathi died on 04.02.2019. Therefore, the said Will came into force after her demise. Hence, the petitioner filed this petition.

3. After filing of this petition, a general notice was issued through paper publication and no objections were raised by any of the party and thereafter, the matter was posted for examination of the witnesses.

4. On the side of the petitioner, P.W.1 and P.W.2 were examined and



marked Exs.P1 to P6. P.W.2 is the attesting witness in the Will. The original

Will also be produced as Ex. P5.

5. From careful perusal of the evidence of P.W.1 and P.W.2 and Exs.P1 to Ex.P6, it is clearly revealed that the deceased M.Saraswathi had voluntarily executed the Will in favour of the petitioner/P.W.1.

6. M.Saraswathi died on 04.02.2019 and therefore, after her demise, the Will came into force. As per evidence of P.W.2, the execution and attestation have been proved. The petitioner has amply proved the execution and attestation of the Will and she is entitled to the relief as prayed for in the petition.

7. Therefore, this Original Petition is *allowed* and a Letter of Administration in respect of the Will dated 05.09.2017 executed by Mrs. M. Saraswathi (deceased), W/o. Late Mr.V.Mohandoss in favour of the petitioner is granted.

8. Issue Letter of Administration in favour of the petitioner. The



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petitioner is directed to duly administer the properties and credits of the 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.No.II), High Court of Madras**. The petitioner is further directed to render true and correct accounts once in a year.

03-09-2025

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Index : Yes/No

Speaking Order : Yes/No

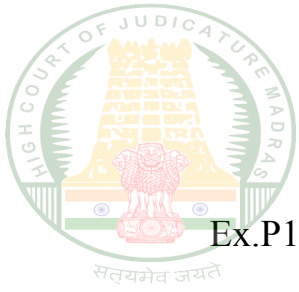
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List of petitioner side witnesses:

P.W.1 : Mrs.V.Sabitha

P.W.2 : Mr.R.Balachandran

List of Petitioner's side Documents:



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Ex.P1

: Original Death Certificate of V.Mohandoss,
(date of death: 03.08.2016) dated: 10.08.2016.

Ex.P2

: Original Legal Heir Certificate of M.Saraswathi
dated 31.08.2016.

Ex.P3

: Original Death Certificate of M.Saraswathi,
(date of death 04.02.2019) dated 25.02.2019.

Ex.P4

: Photocopy of the Sale Deed bearing Document
No.3218 of 1982 executed in favour of V.Mohandass,
husband of M.Saraswathi dated 09.07.1982.

Ex.P5

: Original Will executed by the deceased M.Saraswathi
dated 05.09.2017.

Ex.P6

: Photocopy of the Ration Card of V.Sabitha (Petitioner).

P. DHANABAL,J.

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