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O.P.No.360 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.04.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.360 of 2024

1. Priya Suman
2. R.Sandhya
3. R.Vidhya

...Petitioners

Vs

1. D.Prema
2.R.Sarojini

...Respondants

PRAYER: Original Petition filed for Letters of Administration with Will annexed under Sections 232 and 276 of Indian Succession Act 1925, read with Order XXV Rule 5 of the Madras High Court Original Side Rules, 1956 to grant Letters of Administration to the petitioner as the beneficiary under the Will of the said deceased Mr.P.Raju to have effect throughout the State of Tamil Nadu and pass such further or other orders.

For Petitioner(s) : Mr.E.Senthilkumar,

for M/s.Sampathkumaar And Associates

For Respondents : Mr.M.Arun Kumar (1st Respondent)

Mr.V.Manohar (2nd Respondent)



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ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 31.01.2001 executed by Late.Mr.P.Raju, who died on 11.02.2009. The 1st and 2nd petitioners are the granddaughters of the testator through his deceased son Late.Mr.Rajasekar and the 3rd petitioner is the granddaughter of the testator through another deceased son Late.Mr.Ravikumar. The 1st respondent is the daughter-in-law of the testator through his deceased son Late.Mr.Rajasekar and the 2nd respondent is the daughter of the testator. The petitioners submit that the testator was married to one Late.Mrs.N.Rajammal and had begotten three children Late.Mr.Rajasekar, Late.Mr.Ravikumar and the 2nd respondent. The testator was the absolute owner of the property mentioned in the property under the Sale deed dated 07.10.1985. The testator died on 11.02.2009 leaving behind his wife and his three children as his only legal heirs. The testator had executed a Will on 31.01.2001 where he had bequeathed the life interest of schedule property infavour of his wife Late.Mrs.N.Rajammal and had bequeathed a 50% undivided share in the house site along with the ground floor portion absolutely in favour of the 1st and 2nd petitioners and



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the remaining 50% undivided share in the house site along with the First floor absolutely in favour of the another son Late.Mr.Ravikumar. The wife of the testator, Late.Mrs.N.Rajammal died on 12.10.2017 and his son Late.Mr.Ravikumar died on 27.06.2021 died leaving behind the 3rd petitioner as his only legal heir. Therefore, the petitioners are the only beneficiaries under the said will. The 2nd respondent was appointed as the executrix of the Will by the testator but she wasn't willing to probate the Will dated 31.01.2001. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The third petitioner has examined herself as PW1. She has produced original registered will and testament dated 31.01.2001 as Ex.P2. The death certificates of the Testator, testator's wife Late.Mrs.N.Rajammal, testator's son Late.Mr.R.Rajasekar and his another son Late.R.Ravikumar have been marked as Ex.P3, Ex.P7, Ex.P5 and Ex.P10 respectively. The photocopy of the legal heirship certificates of the testator, his son Late.Mr.R.Rajasekar and Late.Mr.R.Ravikumar have been marked as Ex.P4, Ex.P6 and Ex.P11. On perusal of the Ex.P4 shows that the



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Late.Mr.R.Rajasekar, Late.Mr.R.Ravikumar and the 2nd respondent are the children of the testator. Similarly, from Ex.P6 it is clear that the 1st and 2nd petitioners are the daughters of Late.Mr.R.Rajasekar and from Ex.P11 it is clear that the 3rd petitioner is the only surviving legal heirs of Late.Mr.R.Ravikumar. The service of notices were completed upon both the respondents and both respondents appeared through the learned counsel once and thereafter kept themselves away from the rest of the proceedings. The 1st respondent has expressed her consent to grant the letters of administration in favour of the petitioners and her consent affidavit was filed along with the petition. The general paper publications have been effected and are marked as Ex.P12 and Ex.P13. No objections were received for the same.

3. The petitioner has examined Mr.Sankar, 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.P16.



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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 31.01.2001, of the testator Late.Mr.P.Raju. 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

Speaking: Yes/ No

Neutral Citation: Yes/No



Petitioner's witness:

P.W.1 – Mrs.R. Vidhya

P.W.2 – Mr.Sankar

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 07.10.1985 executed in favour of Mr.P.Raju (Compared with the original)
Ex.P2	The Original registered Will dated 31.01.2001 executed by Mr.P.Raju
Ex.P3	The computer generated death certificate of Mr.P.Raju
Ex.P4	The photocopy of the legal heir ship certificate of Mr.P.Raju (Compared with the original)
Ex.P5	The computer generated death certificate of Mr.R.Rajasekar.
Ex.P6	The photocopy of the legal heir ship certificate of Mr.R.Rajasekar
Ex.P7	The computer generated death certificate of Mrs.N.Rajammal
Ex.P8	The photocopy of the legal heir ship certificate of Mrs.N.Rajammal (Compared with the original)
Ex.P9	The computer generated death certificate of Mrs.J.Jayanthi.
Ex.P10	The computer generated death certificate of Mr.R.Ravikumar
Ex.P11	The computer generated legal heir ship certificate of Mr.R.Ravikumar.
Ex.P12	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 10.09.2024.
Ex.P13	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 17.09.2024.
Ex.P14	The affidavit of assets showing the net value of the estate as



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<i>Exhibits</i>	<i>Documents</i>
	Rs.2,00,00,000/-.
Ex.P15	The Certificate under Section 65 B of the Indian Evidence Act 1872.
Ex.P16	The affidavit of PW2.
Ex.P17	The photocopy of the aadhar card of PW2 (Compared with the original).

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