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O.P.No.482 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.02.2025**

CORAM

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

O.P.No.482 of 2024

1.Mrs.R.Jayabharathi
2.Miss.S.Chitra
3.Mr.Sanjay Sankar

...Petitioners

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act read with Order 25 Rule 5 of the O.S.Rules, prays that Letters of Administration with the Will annexed may be granted to them as the legal heir of deceased's Son beneficiary under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.R.Rajeshh Kumar

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 02.03.2005 executed by late.S.Ramakrishnan, who died on 28.09.2007. The petitioners are the daughter in law and grandchildren of the Testator through his son, the only



surviving legal heirs of the testator. The petitioners are the only beneficiaries 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 first petitioner has examined herself as PW1. She has produced the death certificates of the Testator and testator's wife late.R.Thayamal and his son late.R.Sankar as Ex.P3, Ex.P5 and Ex.P6. The certified copy of the registered will and testament dated 02.03.2005 as Ex.P2. The legal heir certificate of the testator and his son Late.Sankar as Ex.P4 and Ex.P7. On perusal of the Ex.P4 and Ex.P7, it clearly exhibits that the testator had a wife and a son who died leaving behind his wife and children, the petitioners as his surviving legal heirs. The petitioners are the only surviving legal heirs of the testator late.S.Ramakrishnan.

3. The petitioner has examined Mrs.K.R.Vasantha, who is the second attesting witness to the said Will as PW2. She has spoken about the execution of the Will by the testator and its attestation by her and has marked her affidavit as Ex.P19.



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4. 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 02.03.2005 of the testator late.S.Ramakrishnan. 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.R.Jayabharathi

P.W.2 – Mrs.K.R.Vasantha

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the sale deed dated 07.05.2004 executed in favour of Mr.Ramakrishnan (witness states that the original sale deed has been misplaced by her husband. The same is pleaded. This document is marked subject to its admissibility, proof and relevancy)
Ex.P2	Certified copy of the Will dated 02.05.2004 executed by



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Exhibits	Documents
	Mr.Ramakrishnan in favour of his son Mr.R.Sankar (witness states that the original has been misplaced by her husband. The same is pleaded. This document is marked subject to its admissibility, proof and relevancy)
Ex.P3	Photocopy of the death certificate of Mr.S.Ramakrishnan (Compared with the original)
Ex.P4	Photocopy of the legal heir ship certificate of Mr.S.Ramakrishnan (Compared with the original)
Ex.P5	Computer generated death certificate of Mrs.R.Thayamal.
Ex.P6	Computer generated death certificate of Mr.R.Sankar.
Ex.P7	Computer generated legal heir ship certificate of Mr.R.Sankar.
Ex.P8	Computer generated encumbrance certificate for the period 27.12.1993 to 07.04.2024 in respect of the property mentioned in the petition.
Ex.P9	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P10	Photocopy of the Aadhaar Card of the second petitioner (Compared with the original)
Ex.P11	Photocopy of the Aadhaar Card of the third petitioner (Compared with the original)
Ex.P12	Photocopy of the family card of Mr.R.Sankar (Compared with the original)
Ex.P13	Downloaded copy of the online acknowledgment for the complain given by me to Tamilnadu Police.
Ex.P14	CSR.No.393 of 2024 dated 14.04.2024 given by Inspector of Police Crime, V5 Thirumangalam Police Station, Anna Nagar, Chennai for the complaint given by me for the missing document.
Ex.P15	Affidavit of assets showing the net value of the estate as Rs.12,68,800/-
Ex.P16	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 19.11.2024.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P17	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 27.11.2024.
Ex.P18	Affidavit under Section 65B of the India Evidence Act, 1872.
Ex.P19	My affidavit
Ex.P20	Photocopy of my Aadhaar Card (Compared with the original)

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