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O.P.No.699 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

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

O.P.No.699 of 2021

1.Mrs.K.Vijayalakshmi
2.Mrs.K.Padmini

...Petitioners

VS.

1.Mr.K.Gangadaran
2.Mr.K.Jayaprakash
3.Mr.K.Chandrasekaran

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of Indian Succession Act, read with Order XXV Rule 5 of O.S. Rules, prays that this Hon'ble Court may be pleased to pass an order granting letters of administration with the Will of the deceased Mrs.A.K.Narayani dated 20.09.1994 annexed to the properties and credits of the deceased may be granted to the petitioners herein as daughters/beneficiaries under the Will of the deceased to have effect limited to the State of Tamil Nadu.

For Petitioner : Mr.C.Rajan

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 20.09.1994 executed by



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Late.Mrs.A.K.Narayani who died on 24.06.2006. The petitioners and respondents 1 to 3 are the legal heirs of the testatrix. The testatrix had not appointed any executor under the above said will.

2. The petitioners submit that the testatrix Late.Mrs.A.K.Narayani got married to one Mr.Kannan who predeceased her on 03.07.1997, the couple had begotten the 1st and 2nd petitioners and the respondents 1 to 3 as their children in the duration of the marriage. The petitioners submit that the property mentioned in the schedule to the petition was purchased by the testatrix vide Sale Deed dated 19.12.1984 and she was the absolute owner of the said property. The testatrix before her death had executed a Will on 20.09.1994, which is registered as Document No.76 of 1994 in SRO, Periamet, in which she had bequeathed the immovable property mentioned in the petition's schedule absolutely infavour of her daughters, herein the petitioners 1 and 2. The petitioners are the only beneficiaries named by testatrix under the said will dated 20.09.1994. Hence petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

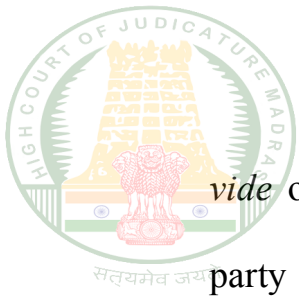


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3. The first petitioner has examined herself as PW1, she had produced 9 documents to support her deposition, which are listed as Ex.P1 to Ex.P9 at the foot of the order. She had marked the certified copy of the Original Will dated 20.09.1994 as Ex.P1. The death certificates of the testatrix and the husband of the testatrix has been marked as Ex.P8 and Ex.P2 respectively. The legal heirship certificate of the testatrix has been marked as Ex.P3. As the evidence to the title of the property held by the testatrix the Sale Deed dated 19.12.1984 had been marked as Ex.P4. A perusal of Ex.P1 substantiates that the 1st and the 2nd petitioners are the only beneficiaries named in the Will by the testatrix. From Ex.P3 it is clear that the petitioners and the respondents are the only legal heirs of the testatrix.

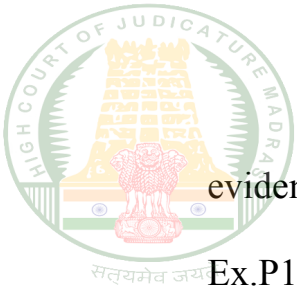
4. The service of notices upon the respondents 1 to 3 have been recorded as completed vide order dated 28.04.2023. In spite of the service being completed the respondents chose to keep themselves away from the proceedings. The general paper publications had been effected, are marked as Ex.P6 and Ex.P7 and no objections have been received for the same.

5. The petitioners submit that the original attesting witnesses to the Will dated 20.09.1994, Mr.C.P.Lakshmipathy and Mr.K.Kannan who is also the husband of the testatrix, have died long before. Therefore this Hon'ble Court



vide order dated 14.11.2024 had allowed the petitioner to examine a third party witness to identify the signature of the attesting witnesses and the testatrix. Complying with the same, the petitioner had examined the husband of the 2nd petitioner Mr.Nanu as PW2. He had spoken about the execution of the will by the testatrix and also about both Mr.C.P.Lakshmipathy and Mr.K.Kannan signing as the attesting Witnesses to the Will dated 20.09.1994.

6. The Hon'ble Court *vide* order dated 19.06.2024 had ordered that the petitioner must summon the original records from the SRO, Periamet and also examine the Sub Registrar or anybody competent enough to address the issue regarding the fact of registration of the Will and also identify the certified copy of the Will (marked as Ex.P1) as the Copy issued by the Sub Registrar Office. Complying with the same, the petitioner had examined Mr.A.Thirumalesan who is working as Junior Assistant in SRO, Periamedu as PW3. He deposed on behalf of the Sub-Registrar I of SRO, Perimedu as per his/her direction and had submitted the authenticated letter as Ex.P13. He had brought the Certified copy of the Will dated 20.04.1994 executed by the testatrix from the SRO and marked it as Ex.P14. The certificate issued by the SRO has been marked as Ex.P15. As per the oral and the documentary



evidences submitted by PW3 to support his deposition, it is proved that the Ex.P1 is the certified copy of the Will registered with SRO, Periamedu.

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7. 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

8. 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 20.09.1994 of the testatrix late.Mrs.A.K.Narayani. 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.K.Vijayalakshmi

P.W.2 – Mr.Nanu

P.W.3 – Mr.A.Thirumalesan



Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Certified copy of the Will dated 20.09.1994 executed by Mrs.A.K.Narayani.
Ex.P2	Death certificate of Mr.K.Kannan.
Ex.P3	Photocopy of the legal heirship certificate of Mrs.Narayani.(Compared with the original)
Ex.P4	Photocopy of the sale deed dated 19.12.1984 executed in favour of Mrs.A.K.Narayani.(Compared with the original)
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.20,50,000/-
Ex.P6	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 09.04.2024.
Ex.P7	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 16.04.2024.
Ex.P8	Computer generated death certificate of Mrs.A.K.Narayani.
Ex.P9	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P10	Photocopy of Aadhaar Card of P.W.2.(Compared with original)
Ex.P11	Photocopy of Aadhaar Card of P.W.3 (Compared with original)
Ex.P12	Photocopy of ID Card of P.W.3.(Compared with original)
Ex.P13	Authonticated letter
Ex.P14	Certified copy of the Will produced from the SRO.
Ex.P15	Certificate issued by the SRO.

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