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O.P.No.293 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.03.2025**

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

**O.P.No.293 of 2024**

1.V.Selvaraj

2.S.Kaliammal

...Petitioners

vs.

K.Ramesh

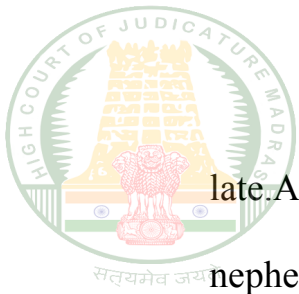
...Respondent

**PRAYER:** Original Petition filed under Sections 232 and 276 of the Indian Succession Act for grant of Letters of Administration with Will annexed to the property and credits of A.P.K.Rajan, deceased under Order XXV Rule 5 of O.S.Rules, praying that the Letters of Administration with Will annexed may be granted to them as the sisters grand son and grand daughter in law beneficiaries under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioners : Mr.J.Kamaraj  
For Respondent : No appearance

**ORDER**

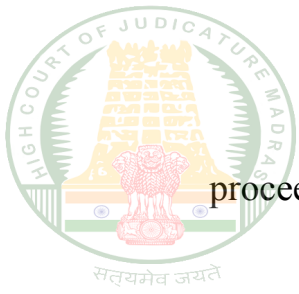
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 29.05.2018 executed by



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late.A.P.K.Rajan, who died on 29.12.2018. The first petitioner is the nephew's son of the testator through his sister and the second petitioner is the wife of the nephew through his sister. The respondent is the niece's son of the testator through his sister. The testator has revoked the previous registered Will dated 20.08.2004 through this Will. Though the testator married twice, both the marriages were unsuccessful and the wives got separated from him and the petitioners do not know about their whereabouts. The parents of the testator predeceased him. The petitioners are the beneficiaries under the will. The testator has not appointed an executor 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 petitioner has examined himself as PW1. He has produced the death certificate of the Testator as Ex.P7. The original unregistered will and testament dated 29.05.2018 as Ex.P5, wherein the testator revoked the registered will dated 20.08.2004, Ex.P1. On perusal of the Ex.P5, the testator that bequeathed his property to nephew's son of the testator through his sister and nephew's son's wife who are the petitioners herein and in favour of the niece's son of the testator who is the respondent herein. The respondents inspite of service of notice on them, had kept themselves away from this



proceedings.

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3. The petitioners have examined Mr.P.Murugan, 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 has marked his affidavit as Ex.P15.

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 29.05.2018 of the testator late.A.P.K.Rajan. 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

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**Petitioner's witness:**

P.W.1 – Mr.V.Selvaraj

P.W.2 – Mr.P.Murugan

**Documents exhibited by the petitioners:**

| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                                                                    |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                  | Original registered Will and Testament dated 20.08.2004 executed by Mr.A.P.K.Rajan.                                                                        |
| Ex.P2                  | Photocopy of the letter dated 04.04.2005 from Tamil Nadu Slum Clearance Board allotting A Schedule property to Mr.A.P.K.Rajan (Compared with the original) |
| Ex.P3                  | Photocopy of the Official receipt dated 22.11.2005 issued to A.P.K.Rajan by Tamil Nadu Slum Clearance Board (Compared with the original)                   |
| Ex.P4                  | Marriage invitation card with the 2 <sup>nd</sup> petitioner.                                                                                              |
| Ex.P5                  | Original unregistered Will and Testament dated 29.05.2019 executed by Mr.A.P.K.Rajan.                                                                      |
| Ex.P6                  | Photocopy of the burial ground report of Mr.A.P.K.Rajan.                                                                                                   |
| Ex.P7                  | Computer generated death certificate of Mr.A.P.K.Rajan.                                                                                                    |
| Ex.P8                  | Photocopy of my Aadhaar Card (Compared with the original)                                                                                                  |
| Ex.P9                  | Photocopy of the Aadhar Card of 2 <sup>nd</sup> petitioner (Compared with the original)                                                                    |
| Ex.P10                 | Photocopy of our Smart Family Card (Compared with the original)                                                                                            |
| Ex.P11                 | Certificate under Section 65 B of the Indian Evidence Act, 1872.                                                                                           |
| Ex.P12                 | Affidavit of assets showing the net value of the estate as Rs.14,80,000/-                                                                                  |
| Ex.P13                 | Copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 30.09.2024.                                                        |
| Ex.P14                 | Copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 07.10.2024.                                                    |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>      |
|------------------------|------------------------------|
| Ex.P15                 | My affidavit.                |
| Ex.P16                 | Photocopy of my Aadhar Card. |

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**K.KUMARESH BABU, J.**

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