

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.04.2025**

CORAM

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

O.P.No.584 of 2024

Mrs.R.Parvathy

...Petitioner

vs.

Nil

...Respondent

PRAYER: Original Petition filed for the grant of Letters of Administration with the Will annexed to the property and credits of Late.Smt.R.Mangalam under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925, read with Order XXV Rule 5 of O.S.Rules, praying that Letters of Administration with the Will annexed may be granted to the petitioner as the sister/beneficiary under the said Will having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.Venkatesh.V
For M/s.Priyanka.R

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 30.10.2023 executed by Late.Mrs.R.Mangalam, who died on 09.12.2023. The petitioner is the elder sister of the testatrix and the parents of the testatrix had already predeceased

her. The petitioner submits that the testatrix got married to one Late.Mr.R.Gopalakrishnan who predeceased her on 19.04.2022, the couple did not have any issues out of their marriage. After the death of her husband Late.Mr.R.Gopalakrishnan the testatrix became his only surviving legal heir and inherited the property mentioned in the will. The testatrix later executed a Will dated 30.10.2023 where she named the petitioner as the sole beneficiary and bequeathed the property absolutely in favour of the petitioner. The testatrix has not appointed any executor under the said Will. The petitioner is the sole beneficiary under the said will dated 30.10.2023. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The petitioner has examined herself as PW1. She has produced the original Will and testatment dated 30.10.2023 as Ex.P1. The online copy of the death certificates of the Testatrix and testatrix's husband Late.Mr.R.Gopalakrishnan has been marked as Ex.P6 and Ex.P2. The legal heir certificate of the testatrix's husband Late.Mr.R.Gopalakrishnan has been marked as Ex.P3. The photocopy of the name transfer certificate of the testatrix has been marked as Ex.P4. From Ex.P3 it is clear that the testatrix was the only legal heir of her husband Late.Mr.R.Gopalakrishnan and the

couple did not have any issues in the duration of their marriage. On perusal of Ex.P1 it can be adduced that the petitioner is named as the sole beneficiary of the property mentioned in the Will. The general paper publication has been completed and no objections have been received for the same.

3. The petitioner has chief examined Mr.B.C.Sekar, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him and the other witness.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is 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 petitioner, in respect of the Will dated 30.10.2023 of the testatrix Late.Mrs.R.Mangalam. The petitioner is 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 petitioner is 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.S.Parvathy

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Will of R.Mangalam dated 30.10.2023.
Ex.P2	Online copy of the Death Certificate of Mr.R.Gopalakrishnan dated 26.04.2022.
Ex.P3	Online copy of the Legal Heirship Certificate dated 03.06.2024.
Ex.P4	Photocopy of the Name Transfer Certificate dated 12.10.2022. (Subject to proof and relevancy)
Ex.P5	Certified copy of the Sale Deed Doc.No.320 of 1997 dated 07.03.1997.
Ex.P6	Online copy of the Death Certificate of R.Mangalam dated 08.01.2024.
Ex.P7	Original Affidavit of Assets dated 30.04.2024.
	(Affidavit under Section 65 B of the Indian Evidence Act filed and recorded)

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K.KUMARESH BABU, J.

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