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O.P.No.535 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.535 of 2007

Karpagam

...Petitioner

vs.

1.Sarojini Bai

2.S.Premakumari

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act, XXXIX of 1925 and Order XXV, Rule 5 of the Original Side Rules praying for grant of Letters of Administration with the Will annexed to him as legatee under the Will of the deceased S.Visalachi Ammal, having effect limited to State of Tamil Nadu.

For Petitioner : Mr.S.Giridharan

For Respondents : Set *ex parte* on 18.04.2022

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 14.05.1997 executed by Mrs.S.Vislachi Ammal, who died on 12.01.1999. The petitioner and the



respondents 1 and 2 are the daughters of the testatrix.

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2. The petitioner submits that the testatrix was married to one Mr.V.R.Sundaresa Mudaliar @ Mr.Sundaresan who predeceased her on 16.03.1969 and the couple had begotten the petitioner along with the respondents 1 and 2 as her daughters out of the said wedlock. The petitioner further submits that the testatrix prior to her death had executed an unregistered Will on 14.05.1997, through which she had bequeathed the immovable property morefully described in therein in favour of her daughter, the petitioner herein. The petitioner contends that she is the sole beneficiary named in the will and therefore seeks the issuance of Letters of Administration in respect of the property which is situated within the jurisdiction of this court.

3. The first petitioner has examined herself as PW1 and she had produced 6 documents to support her depositions which are listed as Ex.P1 to Ex.P6 at foot of the order. The original unregistered Will and testament of the testatrix has been marked as Ex.P1. The original death certificate of the testatrix and her husband Mr.Sundaresan has been marked as Ex.P2 and Ex.P3 respectively. The affidavit of assets has been marked as Ex.P4. The



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perusal of Ex.P1 clearly shows that the petitioner is the sole beneficiary named in the will. The AoS have been filed and the general paper publications have been recorded as effected.

4. The petitioner had filed an Application under A.No.2911 of 2022 to appoint an Advocate Commissioner to record the evidence of Mr.Padmanabhan who is one of the attesting witness to the Will dated 14.05.1997, executed by the testatrix. Accordingly the application was allowed vide order dated 22.07.2022 and the appointed Advocate Commissioner recorded the evidence of the above said attesting witness and had filed her report. The above said attesting witness has deposed that the he was one of the attesting witness of the will and has also spoken about the execution of the Will by the testatrix. He had further identified the signature of the testatrix in the original Will marked as Ex.P1.

5. The respondents 1 and 2 neither appeared in person nor through the counsel. Since no representation was made on behalf of the respondents 1 and 2, the respondents were set ex-parte vide order dated 18.04.2022.

6. 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

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7. 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 14.05.1997 of the testatrix Late.Mrs.S.Vislachi Ammal. 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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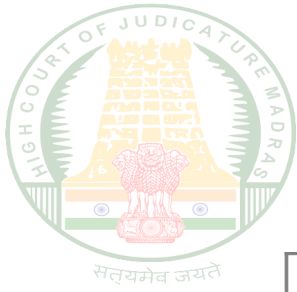
dsa

Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.Karpagam

Documents exhibited by the petitioner:



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Exhibits	Documents
Ex.P1	Original unregistered Will and Testament dated 14.05.1997 executed by Mrs.Visalakshi Ammal
Ex.P2	Original death certificate of Mrs.S.Visalakshi Ammal.
Ex.P3	Computer generated death certificate of Mr.Sundaresan.
Ex.P4	Affidavit of assets showing the net value of the estate as Rs.1,00,000/-.
Ex.P5 (Series Nos.2)	The paper publication effected in one issue of Tamil daily “Makkal Kural” dated 01.10.2023 and in one issue of English daily “Trinity Mirror” dated 08.10.2023.
Ex.P6	Certificate under Section 65B of the Indian Evidence Act, 1872.

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K.KUMARESH BABU, J.

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