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O.P.No.500 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.02.2025**

CORAM

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

O.P.No.500 of 2024

- 1.Mrs.S.Vijayalakshmi
- 2.Mrs.K.Rajalakshmi
- 3.Mr.K.Sampath Kumar
- 4.Mr.K.Thandavamurthy
- 5.Mr.K.Sivasankaran
- 6.Mr.K.Jagadeesh
- 7.Mr.S.Kanniappan

...Petitioners

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, prays that:

(a) That the Letters of Administration with the Will annexed may be granted to them as the nieces and Legal Heirs of the beneficiary under the will of said deceased having effect throughout the State of Tamilnadu

(b) Such further or other orders be passed as this Hon'ble Court may deem fit and proper.

For Petitioners : Mr.C.Manohar Gupta

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 29.04.2004 executed by late.Kolamaniammal, who died on 29.12.2004. The petitioners 1 and 2 are the granddaughters of testatrix through her sister Vedhavalliammal's daughter B.Sundari. The petitioners 3 to 7 are the grandsons and son-in-law of the testatrix through her sister Vedhavalliammal's daughter K.Jamuna. The testatrix married one Parasuraman and both died issueless. The testatrix was taken care by the Jamuna and daughters of Sundari. Hence, the testatrix executed a will in favour of the Jamuna and granddaughters of the testatrix through her sister in respect of petition mentioned properties including the property devolved upon the testatrix after partition. Jamuna died on 27.11.2023, leaving behind the petitioners 3 to 7 as her surviving legal heirs. The petitioners are the only beneficiaries under the said will and the testatrix has not appointed executor under the Will. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

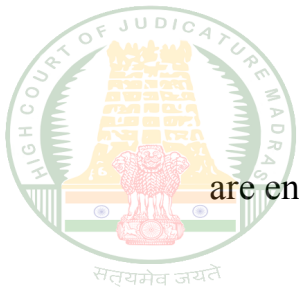


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2. The first petitioner has examined herself as PW1. She has produced the death certificates of the testatrix and her husband as Ex.P1 and Ex.P4. The death certificate of testatrix sister's daughters Mrs.Sundari and Mrs.Jamuna as Ex.P2 and Ex.P6. The original registered will and testament dated 29.04.2004 as Ex.P3. The legal heir certificates of the testatrix's sister's daughter Mrs.Jamuna as Ex.P7. The relationship certificate issued by the Tahsildar as Ex.P5. On perusal of the Ex.P3 and Ex.P5, the testatrix stated that she bequeaths her property in favour of her sister's daughter and granddaughters. This shows the relationship between the petitioners and the testatrix. The petitioners are the surviving legal heirs of the testatrix late. late.Kolamaniammal.

3. The petitioner has examined Mr.A.Sakthivel, 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 has marked his affidavit as Ex.P21.

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.

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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 29.04.2004 of the testatrix late.Kolamaniammal. 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.S.Vijayalakshmi

P.W.2 - Mr.A.Sakthivel

P.W.3 - Mr.S.Kanniappan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.Parasuraman.
Ex.P2	Photocopy of the death certificate of Mrs.Sundari (Compared with the original)



Exhibits	Documents
Ex.P3	Original registered Will and Testament dated 29.04.2004 executed by Mrs.Kolamaniammal.
Ex.P4	Photocopy of the death certificate of Mrs.Kolamaniammal (Compared with the original)
Ex.P5	Photocopy of the certificate dated 23.12.2011 issued by Tahsildar showing the relatives of deceased Mrs.Kolamaniammal (Compared with the original)
Ex.P6	Computer generated death certificate of Mrs.Jamuna.
Ex.P7	Computer generated legal heir ship certificate of Mrs.Jamuna.
Ex.P8	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P9	Photocopy of the Aadhaar Card of the second petitioner (Compared with the original)
Ex.P10	Photocopy of the Aadhaar Card of the third petitioner (Compared with the original)
Ex.P11	Photocopy of the Aadhaar Card of the fourth petitioner (Compared with the original)
Ex.P12	Photocopy of the Aadhaar Card of the fifth petitioner (Compared with the original)
Ex.P13	Photocopy of the Aadhaar Card of the sixth petitioner (Compared with the original)
Ex.P14	Photocopy of the Aadhaar Card of the seventh petitioner (Compared with the original)
Ex.P15	Online printout of extract from the permanent land register of the schedule mentioned property.
Ex.P16	Affidavit of assets showing the net value of the estate as Rs.1,69,10,000/-
Ex.P17	Copy of the paper publication effected in one issue of Tamil Daily “Malai Murasu” dated 23.10.2024.
Ex.P18	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 01.11.2024.
Ex.P19	Affidavit under Section 65 B of the Indian Evidence Act, 1872.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P20	My affidavit.
Ex.P21	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P22	My affidavit.

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