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O.P.No.461 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.461 of 2024

1.V.Tamilselvi
2.J.Parimala
3.B.Sivasankari Barani Tharan
4.V.Sathish

...Petitioners

vs.

1.J.Saravanan
2.J.Sivaraman

...Respondents

PRAYER: Original Petition filed for grant of Letters of Administration filed under Section 232 & 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of O.S. Rules, prays that Letters of Administration with Will annexed of the properties and credits of deceased may be granted to the petitioners being the Brother's Wife and Daughters and Son/Legal heirs of beneficiary under the Will of deceased to have effect limited to the State of Tamil Nadu.

For Petitioners : Mr. S.Raja Ravi Varma

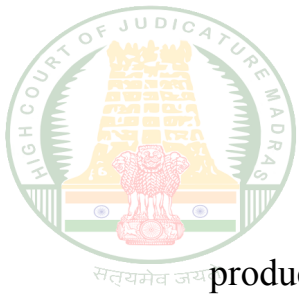
For Respondents : No appearance
(For R1 & R2)

ORDER



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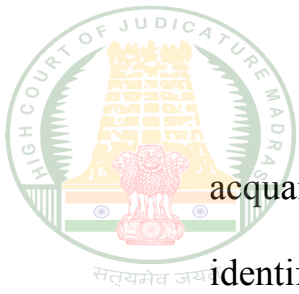
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 29.08.2001 executed by Late.Mrs.Shenbhagavalli, who died on 13.10.2019. The 1st petitioner is the sister-in-law of the testatrix through her brother Late.Mr.Visvalingam and the petitioners 2 to 4 are the children of the 1st petitioner. The 1st and 2nd respondents are nephews of the testatrix through her another brother Late.Mr.Jegannathan. The testatrix was married to one Late.Mr.R.Thandapani who predeceased her on 01.06.1999, the couple did not have any issues in their duration of marriage. The testatrix was the absolute owner of the schedule property through the Sale Deed dated 26.11.1993, she later executed a Will on 29.08.2001, where she had bequeathed the property mentioned in the schedule absolutely in favour of her younger brother Late.Mr.Visvalingam. Whereas the said beneficiary Late.Mr.Visvalingam predeceased the testatrix on 29.06.2018, leaving behind the petitioners 1 to 4 who are his wife and children as his only legal heirs. The petitioners are the only beneficiaries who are entitled to the schedule property under the said 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 second petitioner has examined herself as PW1. She has produced the original Will and testament dated 29.08.2001 as Ex.P1. The online copy of the death certificates of the Testatrix, Late.Mr.R.Thandapani the husband of the testatrix, Late.Mr.Jegannathan and Late.Mr.Visvalingam the brothers of the testatrix, have been marked as Ex.P3, Ex.P2, Ex.P10 and Ex.P4 respectively. The legal heir certificate of Late.Mr.Visvalingam has been marked as Ex.P5. The service of notice upon the 1st and 2nd respondents has been completed through the substituted service by paper publication which was allowed under the order dated 03.12.2024 in the Application No.5996 of 2024 and inspite of the service being completed both the respondents kept themselves away from the proceedings. On perusal of Ex.P1, it is clear that the testatrix has named her younger brother Late.Mr.Visvalingam as the sole beneficiary of the property under the will. From Ex.P5 it is clear that the petitioners 1 to 4 are the only legal heirs of the deceased beneficiary Late.Mr.Visvalingam. The paper publications have been made which are marked as Ex.C1 and Ex.C2, no objections have been received for the same.

3. The petitioner has examined Mr.Maran, who is the third party and



acquainted with the signature of one of the attesting witness as PW2. He has identified the signature of one of the attesting witness late Mr.Bakhthavathsalu in the Ex.P1, the will dated 29.08.2001. Further, he also deposed that the attesting witness is no more and has marked his affidavit as Ex.P14.

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 29.08.2001 of the testatrix Late.Mrs.Shenbhagavalli. 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

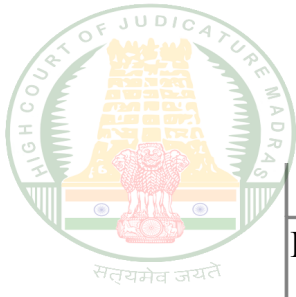
Petitioner's witness:

P.W.1 – Mrs.J.Parimala

P.W.2 – Mr.Maran

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Last Will and Testament of Mrs.Shenbhagavalli dated 29.08.2001.
Ex.P2	Online copy of the Death Certificate of Mr.R.Thandapani husband of Mrs.Shenbhagavalli dated 04.06.2024.
Ex.P3	Online copy of the Death Certificate of Mrs.Shenbhagavalli dated 17.10.2019.
Ex.P4	Online copy of the Death Certificate of Mr.Visvalingam dated 05.06.2024.
Ex.P5	Online copy of the Legal Heir Certificate of Mr.Visvalingam dated 14.09.2018.
Ex.P6	Photocopy of the 1 st petitioner, V.Tamilselvi Aadhaar Card. (Original produced, compared and returned)
Ex.P7	Photocopy of the 2 nd petitioner, J.Parimala Aadhaar Card. (Original produced, compared and returned)
Ex.P8	Photocopy of the 3 rd petitioner, B.Sivasankari Barani Tharan Aadhaar Card. (Original produced, compared and returned)
Ex.P9	Photocopy of the 4 th petitioner, V.Sathish Aadhaar Card. (Original produced, compared and returned)
Ex.P10	Online copy of the Death Certificate of Mr.S.Jegannathan



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	dated 04.06.2024.
Ex.P11	Online copy of the Death Certificate of Mrs.J.Parameshwari dated 10.05.2022.
Ex.P12	Photocopy of the Sale Deed in favour of Shenbhagavalli dated 26.11.1993 (Original produced, compared and returned)
Ex.P13	Affidavit of Assets.
Ex.C1	Original Paper Publication in “Trinity Mirror” English dated 25.02.2025.
Ex.C2	Original Paper Publication in “Maalai Thamizhagam” Tamil dated 17.02.2025.
Ex.P14	Affidavit of identifying the signature of attesting witness.

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K.KUMARESH BABU, J.

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