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O.P.No.562 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.04.2025**

CORAM

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

O.P.No.562 of 2024

P.Deva Murali

...Petitioner

VS.

P.Mohanakrishnan

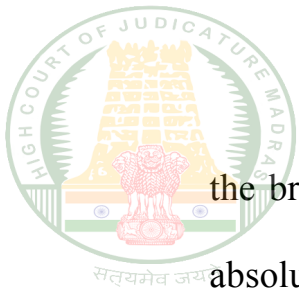
...Respondent

PRAYER: Original Petition filed for grant of Letters of Administration with Will annexed under Section 232 & 276 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 5 of O.S.Rules, prays that Letters of Administration with the Will annexed may be granted to him as the beneficiary under the Will of the said deceased having effect throughout the State of Tamilnadu.

For Petitioner : Mr.Krishna Ravindran
For Respondent : Set-exparte

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 26.04.2017 executed by Late.Mrs.Manorama Srinath, who died on 18.01.2024. The petitioner is the nephew of the testatrix through her sister Mrs.Jayasri and the respondent is



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the brother of the testatrix. The petitioner submits that the testatrix was the absolute owner of the property mentioned in the schedule, which she had purchased the Sale Deed vide Doc.No.1535/1984 dated 30.05.1984. The testatrix executed a will on 26.04.2017 where she named the petitioner as the only beneficiary for the property mentioned in the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The first petitioner has examined himself as PW1. He has produced the original registered will Doc.No.24/2017 dated 26.04.2017 as Ex.P5. The death certificates of the Testator and testatrix's husband late.Mr.Srinathare marked as Ex.P1 and Ex.P2. The photocopy of the sale Deed dated 30.05.1984 have been marked as Ex.P3. From Ex.P5 it can be seen that the testatrix has explicitly mentioned that the petitioner is her nephew and has named him as the sole beneficiary of the property under the will. The general paper publication has been effected and no objections were received. The notice to the respondent has been deemed to be served under order dated 01.04.2025 and the respondent was set ex-parte since the respondent chose to keep himself away from the proceedings.



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3. The petitioner has examined Mr.C.Daniel, who is the second 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 first attestator.

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 26.04.2017 of the testator Late.Mrs.Manorama Srinath. 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.

25.04.2025

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Index :Yes/No

**Petitioner's witness:**

P.W.1 – Mr.Deva Murali

P.W.2 – Mr.C.Daniel

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Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Online copy of the Death Certificate of Manorama Srinath dated 05.03.2024.
Ex.P2	Online copy of the Death Certificate of C.Srinath dated 08.09.2016.
Ex.P3	Photocopy of the Sale deed document No.1535/1984 dated 30.05.1984.
Ex.P4	Original Patta in favour of Manoram Srinath.
Ex.P5	Original Registered Will Doc.No.24/2017 dated 26.04.2017.

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