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O.P.No.643 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.03.2025**

CORAM

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

O.P.No.643 of 2023

1.Mrs.Uma Maheswari alias Maheswari

...Petitioner

vs.

1.Mr.S.S.Rajagopalan

2.Mrs.Chandra Vijayaraghavan

3.Mrs.Shuba Vijaya

4.Mr.Bharathram Vijayaraghavan

...Respondents

PRAYER: Original Petition filed under Sections 232 read with 276 of Indian Succession Act and under Order XXV Rule 5 of O.S.Rules for grant of Letter of Administration with Will annexed, prays that the Letter of Administration with the Will annexed may be granted to the petitioner as the legatee beneficiary under the Will of the deceased and limited to the State of Tamil Nadu.

For Petitioner : Mr.P.B.Ramanujam Associates

For Respondents : No appearance



ORDER

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 06.06.2017 executed by late.K.Mythili, who died on 19.01.2022. The petitioner is a third party to the testator. The husband and parents of the testatrix predeceased her. The respondents are testatrix's husband's brother and predeceased brother's legal heirs. The petitioner is the only beneficiary under the said will. The testatrix has not appointed an executor under the Will. 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 death certificates of the Testatrix and her husband as Ex.P2 and Ex.P3. The Original will and testament dated 06.06.2017 as Ex.P1. The legal heir certificate of the husband of the Testatrix as Ex.P4. On perusal of the Ex.P4, it clearly exhibits that the husband of the testatrix died leaving behind the testatrix as his only surviving legal heir. The paper publications were made and marked as Ex.P6 and Ex.P7, wherein it is stated that the petitioner alone is the beneficiary under the Will executed by the testatrix. Objection has not received from any person.



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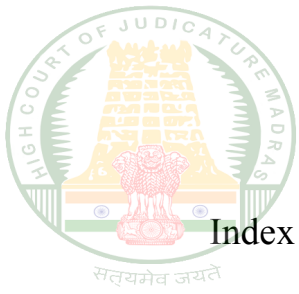
3. The petitioner has examined Mrs.Chandra Vijayaraghavan, who is the second attesting witness to the said Will and second respondent in this OP petition as PW2. She has spoken about the execution of the Will by the testatrix and its attestation by her.

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 06.06.2017 of the testatrix late.K.Mythili. 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.

03.03.2025

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Index :Yes/No

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Petitioner's witness:

P.W.1 – Mrs.Uma Maheshwari

P.W.2 – Mrs.Chandra Vijayaraghavan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 06.06.2017 executed by Mrs.Mythili.
Ex.P2	Computer generated death certificate of Mrs.K.Mythili.
Ex.P3	Computer generated death certificate of Mr.S.S.Kannan.
Ex.P4	Photocopy of the legal heir certificate of Mr.S.S.Kannan (Compared with the original)
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.2,00,00,000/-
Ex.P6	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 05.01.2024.
Ex.P7	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 13.01.2024.
Ex.P8	The photocopy of the Aadhaar Card produced before this Court. (Original Aadhaar card was shown across the screen and the same was compared with the photocopy produced)

03.03.2025

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