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O.P.No.523 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.06.2025**

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

O.P.No.523 of 2024

Kanchana

...Petitioner

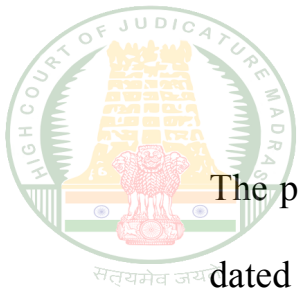
PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 and order XXV Rule 5 of Original Side Rules, praying to grant Letters of Administration with the Will annexed of the property and credit of deceased may be granted to the petitioner, as daughter/beneficiary/legatee under the Will of the said deceased having effect, limited to the State of Tamil Nadu.

For Petitioner : Mr.A.Swaminathan

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 04.03.1998 executed by Late Mr.C.Manickam, who died on 01.09.2000. The petitioner is the daughter of the testator. The testator had not appointed any executors under the said will.

2. The petitioner submits that the testator had got married to one Late Mrs.Pottiammal and the couple had begotten the petitioner as the only child in duration of their marriage. The wife of the testator predeceased him on 18.04.1999, leaving behind the petitioner as his only legal heir.



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The petitioner submits that the testator before his death had executed a Will dated 04.03.1998, in which he had bequeathed the immovable property mentioned in the schedule of the petition in favour of the petitioner.

Therefore the petitioner is the only beneficiary named under the said will executed by the testator. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court

3. The petitioner has examined herself as PW1, she had produced 11 documents to support her deposition which are listed as Ex.P1 to Ex.P11 at the foot of the order. She had produced original registered will dated 04.03.1998 which is marked as Ex.P1. The computer generated death certificates of the testator and the wife of the testator has been marked as Ex.P4 and Ex.P2. The legal heirship certificate of the Late Mrs.Pottiammal, the wife of the testator has been marked as Ex.P3. A perusal of Ex.P1 substantiates the claims made in the petition, that the petitioner is the sole beneficiary named under the will executed by the testator. The perusal of Ex.P3 clearly proves that the petitioner is the daughter of the testator. The general paper publications have been effected which are marked as Ex.P10 and Ex.P11 and no objections were received for the same.

4. The petitioner has examined Mr.K.P.Mayakrishnan, who is the first attesting witness to the said Will as PW2. He has spoken about the execution



of the Will by the testator and its attestation by him along with second attesting witness Mr.R.Perumal and has marked her affidavit as Ex.P12.

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5. 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 .

6. 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 04.03.1998 of the testator Late Mr.C.Manikam. 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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Petitioner's witness:

P.W.1 – Mrs.Kanchana

P.W.2 - Mr.K.P.Mayakrishnan



Documents exhibited by the petitioner:

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Exhibits	Documents
Ex.P1	Original registered Will and Testament dated 04.03.1998 executed by Mr.C.Manickam
Ex.P2	Computer generated death certificate of Mrs.Pottiammal.
Ex.P3	Photocopy of the legal heirship certificate of Mrs.Pottiammal (Compared with the original)
Ex.P4	Computer generated death certificate of Mr.C.Manickam
Ex.P5	Photocopy of the property tax card in the name of Mr.C.Manickam (Compared with the original)
Ex.P6	Photocopy of the patta dated 22.04.2002 standing in the name of Mrs.Kanchana (Compared with the original)
Ex.P7	Downloaded copy of the patta dated 01.01.2024 standing in the name of Mrs.Kanchana
Ex.P8	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.17,00,000/-
Ex.P10	Copy of Paper publication effected in one issue of Tamil daily "Makkal Kural" dated 08.11.2024.
Ex.P11	Copy of Paper publication effected in one issue of English daily "Trinity Mirror" dated 15.11.2024.
Ex.P12	The affidavit of PW2
Ex.P13	Photocopy of PW2 Aadhaar Card (Compared with the original)

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