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O.P.No.761 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.03.2025**

CORAM

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

O.P.No.761 of 2022

1.Shankar

2.Uma Shankar

...Petitioners

PRAYER: Original Petition filed for Letters of Administration under Section 232 and 276 of the Indian Succession Act 39 of 1925 read with the Orders XXV Rule 5 of O.S.Rules, prays that Letters of Administration with the Will annexed may be granted to them as Third party beneficiaries under the will of the said deceased having effect throughout the limited to the State of Tamil Nadu and thereby render justice.

For Petitioners : Mr.S.Gopalakrishnan

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 27.01.2021 executed by late.Kannammal (alias) Baby, who died on 28.06.2022. The petitioners are cousin brother and cousin sister's son to the testatrix through her husband's father's sister. The petitioners are the only beneficiaries under the said will. The testatrix has not appointed an executor under the Will. The petitioners

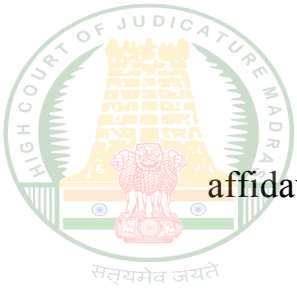


seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

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2. The second petitioner has examined herself as PW1. He has produced the Original Will and testament dated 27.01.2021 as Ex.P1. The computer generated death certificate of testatrix as Ex.P12. The bequeathed property was devolved upon the Kannammal from her husband by way of a unprobated Will dated 06.10.1994 which marked as Ex.P2. The said testatrix's husband acquired the property from his father Devaraj Mudaliar. The said Devaraj Mudaliar got the property by way of a Will dated 26.11.1919 which is marked as Ex.P5. The testatrix died even before the Will in favour of her was probated and that proceeding is in SR stage. Perusal of Ex.P1, shows that the testatrix bequeathed her property in favour of her cousin brother and cousin sister's son. The paper publications were made and marked as Ex.P14 and Ex.P15. No objection was received from any person.

3. The petitioner has examined Mr.Venkatraman, 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 has marked his



affidavit as Ex.P16.

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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 27.01.2021 of the testatrix late.Kannammal @Baby. 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.

10.03.2025

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Index :Yes/No

Petitioner's witness:

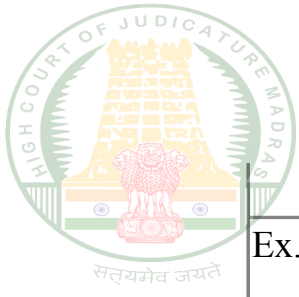


P.W.1 – Mr.Uma Shankar

P.W.2 – Mr.Venkatraman

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 27.01.2021 executed by Baby Kannammal.
Ex.P2	Photocopy of the Will dated 06.10.1994 executed by Mr.D. Kuppuswamy Mudaliar.
Ex.P3	Original death certificate of Mr. D. Kuppusamy Mudaliar.
Ex.P4	(Series 4 Nos) are the photocopies of the property tax receipts (Pursuant to the order dated 07.02.2024 in A.No.633 of 2024, Exs.P2 to P4 are marked subject to admissibility, proof, and relevancy).
Ex.P5	Photocopy of the Will dated 26.11.1919 executed by Mr. S. Kathirvel Mudaliar.
Ex.P6	Photocopy of the translation of the Will dated 26.11.1919 for Ex.P5.
Ex.P7	Photocopy of the judgment and decree in TOS.14 of 1939 dated 01.11.1940 passed by this Hon'ble High Court.
Ex.P8	Photocopy of the legal heirship certificate of Mr.D.Kuppusamy Mudaliar.
Ex.P9	Photocopy of the petition filed in OP.SR.No.62392 of 2022 filed by Mrs. Kannammal alias Baby.
Ex.P10	Photocopy of the affidavit filed in OP.SR.No.62392 of 2022 filed by Mr. G. Swaminathan. (Pursuant to the order dated 07.02.2024 in A.No.634 of 2024, Exs.P5 to P10 are marked subject to admissibility, proof, and relevancy).
Ex.P11	Photocopy of the death certificate of Mr.K.Devaraja Mudaliar (Compared with the original).
Ex.P12	Computer-generated death certificate of Mrs.K.Kannammal.
Ex.P13	Affidavit of assets showing the net value of the estate as



WEB COPY

O.P.No.761 of



	Rs.2,50,00,000/-.
Ex.P14	Copy of the paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 09.03.2023.
Ex.P15	Copy of the paper publication effected in one issue of English daily 'Trinity Mirror' dated 17.03.2023.
Ex.P16	My affidavit.

10.03.2025

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K.KUMARESH BABU, J.

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WEB COPY

O.P.No.761 of



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10.03.2025