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O.P.No.417 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.417 of 2024

Mrs.Joy Goldeena Sharon

...Petitioner

vs.

1.Mrs.Nithya Kalyani Selvakumari

2.Mrs.Marthal Selvakumari

3.Mr.J.A.Inbanathan

4.Mr.J.A.Arumainathan

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of Indian Succession Act, 1925 read with Order XXV Rule 5 of Original Side Rules, prays that this Hon'ble Court may be pleased to grant letters of Administration with the WILL annexed to her as the beneficiary under the WILL of the said deceased to have effect throughout the State of Tamil Nadu.

For Petitioner : Mr.M.Thomas Aquinas

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 03.08.2020 executed by late.Ms.Epsiba SelvaKumari , who died on 29.04.2023. The petitioner is the



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niece of the testatrix through her sister. The deceased late.Ms.Epsiba SelvaKumari died as a spinster. The deceased Testatrix is the owner of the said property through the Deed of Irrevocable Settlement registered under the document No.375/2020/Book-1 dated 22.07.2020. The petitioner is the only beneficiary under the said will. The respondents R1 to R4 are the brothers and sisters of the testatrix. The petitioner seek issuance of Letters of Administration in respect of the property situated within the jurisdiction of this court.

2. The petitioner has examined herself as PW1. She has produced the death certificates of the Testatrix as Ex.P8. The certified copy of the registered will and testament dated 03.08.2020 as Ex.P1.The photocopy of the deed of irrevocable settlement dated 22.07.2020 marked as Ex.P4. From Ex.P1 it can be deduced that the deceased testatrix died a Spinster and the petitioner is the sole beneficiary of the schedule property under the above said will dated 03.08.2020. The consent affidavits of the respondents 1 to 4, expressing their consent to grant of letters of administration in favour of the petitioner have been filed after the notice was served to the respondents.



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3. The petitioner has examined Mrs.P.Elizabeth and Mr.John, who are the first and the second attesting witnesses to the said Will as PW2 and PW3 respectively. They have spoken about the execution of the Will by the testatrix and its attestation by them and they have marked their affidavits as Ex.P11 and Ex.P13.

4. The Paper publications marked as Ex.P6 and Ex.P7 has been duly made and no objections were received.

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 is granted in favour of the petitioner in respect of the Will dated 03.08.2020 of the testatrix late.Ms.Epsiba Selvakumari. 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:

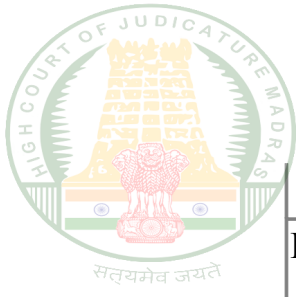
P.W.1 – Mrs.Joy Goldeena Sharon

P.W.2 – Mr.P.Elizabeth

P.W.3 – Mr.John

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 03.08.2020 executed by Ms.Epsiba Selvakumari.
Ex.P2	Photocopy of Aadhar Card (Compared with the original)
Ex.P3	Photocopy of the pension payment order issued by Tamil Nadu Electricity Board to Ms.Epsiba Selvakumari (Compared with the original)
Ex.P4	Photocopy of the deed of irrevocable settlement dated 22.07.2020 executed in favour of Ms.Epsiba Selvakumari (Compared with the original)
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.49,50,000/-
Ex.P6	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 05.11.2024.
Ex.P7	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 29.10.2024.
Ex.P8	Computer generated death certificate of Ms.Epsiba



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	Selvakumari.
Ex.P9	Online printout of property tax receipt standing the name of Ms.Epsiba Selvakumari.
Ex.P10	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Affidavit as attesting witness.
Ex.P12	Photocopy of Aadhaar Card (Compared with the original)
Ex.P13	Affidavit as attesting witness.
Ex.P14	Photocopy of Aadhaar Card (Compared with the original)

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K.KUMARESH BABU, J.



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