



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.03.2025**

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

O.P.No.296 of 2024

K.Vijay

...Petitioner

vs.

K.Gandhimathi

...Respondent

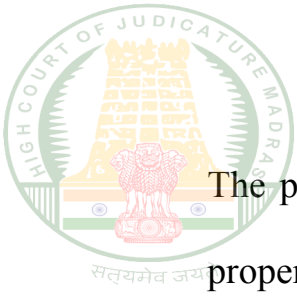
PRAYER: Original Petition filed for Letters of Administration under Sections 232 & 276 of the Indian Succession Act read with Order XXV Rule 5 of O.S.Rules, to grant Letters of Administration with Will annexed of the properties and credit of deceased to the petitioner of the deceased K.Sathyavathy to have effect limited to the State of Tamilnadu as son/beneficiary under the Will of the deceased.

For Petitioner : Mr.C.D.Sugumar

For Respondent : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 16.07.2020 executed by late.K.Sathyavathy, who died on 31.07.2020. The petitioner and the respondents are the children of the testatrix. The husband of the testatrix predeceased her. 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.

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2. The petitioner has examined himself as PW1. He has produced the Original unregistered Will dated 16.07.2020 as Ex.P4. The computer generated death certificates of the testatrix and her husband as Ex.P8 and Ex.P10. The computer generated legal heirship certificate of the testatrix as Ex.P9. On perusal of Ex.P9, it shows that the petitioner and the respondents are the children of the testatrix. The paper publications have been made and marked as Ex.P6 and Ex.P7. No objection has been received from any person.

3. The petitioner has examined Mr.M.Vadivelan, 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.P12.

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.



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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 16.07.2020 of the testatrix K.Sathyavathy. 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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Index: Yes/No

Petitioner's witness:

P.W.1 - Mr.K.Vijay

P.W.2 – Mr.M.Vadivelan

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of my Aadhar card (Compared with the original)
Ex.P2	Photocopy of registered sale deed dated 10.04.1995 executed in favour of Mrs.K.Sathyavathy (Compared with the original)
Ex.P3	Photocopy of registered partition deed dated 21.03.1996(Compared with the original)
Ex.P4	Original Unregistered Will dated 16.07.2020 executed by K.Sathyavathy.
Ex.P5	Affidavit of assets showing the net value of assets as Rs.60,00,000/-
Ex.P6	Copy of paper publication effected in one issue of Tamil



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	Daily 'Makkal Kural' dated 23.11.2024.
Ex.P7	Copy of paper publication effected in one issue of English Daily 'Southern Mail' dated 03.12.2024.
Ex.P8	Computer generated death certificate of Mrs.K.Sathyavathy.
Ex.P9	Computer generated legal heir certificate of Mrs.K.Sathyavathy.
Ex.P10	Computer generated death certificate of Mr. T.S. Kumar
Ex.P11	Certificate under Section 65 B of Indian Evidence Act, 1872.
Ex.P12	My affidavit.
Ex.P13	Photocopy of my Aadhaar Card (Compared with the original)

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K.KUMARESH BABU, J.

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