



WEB COPY

O.P.No.481 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.03.2025**

CORAM

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

O.P.No.481 of 2024

K.Jayapal

...Petitioner

VS.

Nil

...Respondent

PRAYER: Original Petition filed under Sections 232 & 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S. Rules, praying to grant Letters of Administration with the Will annexed of the property of the deceased to the petitioner being the Maternal (petitioner's mother's great mother) Grandson sole beneficiary/Legatee under the Will dated 29.08.2016 of the deceased U.Sakunthala having effect through the State of Tamilnadu.

For Petitioner : Mr.V.P.Rajendran

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 29.08.2016 executed by late.U.Sakunthala , who died on 05.08.2018. The petitioner is the grandson of the Testatrix through her sister, the only surviving legal heir of the testatrix. The petitioner is the only beneficiary under the said 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 himself as PW1. He has produced the death certificates of the Testatrix and the testatrix's husband late.Mr.V.K.Umapathy as Ex.P3 and Ex.P2. The certified copy of the registered will and testament dated 29.08.2016 as Ex.P1. The Testatrix and her husband did not have any issues in their duration of marriage. On perusal of the Ex.P1, Ex.P2 and Ex.P3, it clearly exhibits that the testatrix had a husband who predeceased her, the couple did not have any issues during their marriage. The petitioner is the only surviving heir of the



testatrix late.Mrs.U.Shankunthala by will.

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3. The petitioner has examined Mrs.K.Vasanth, who is the first attesting witness to the said Will as PW2. She has spoken about the execution of the Will by the testatrix and its attestation by her and has marked her affidavit as Ex.P15.

4. The petitioner has examined Mrs.J.Sumithra, who is the second attesting witness to the said Will as PW3. She has spoken about the execution of the Will by the testatrix and its attestation by her and has marked her affidavit as Ex.P17.

5. The Paper Publications were made which are marked as Ex.P12 and Ex.P13, no objections were received.

6. 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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7. 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 29.08.2016 of the testatrix late.Mrs.U.Sakunthala. 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:

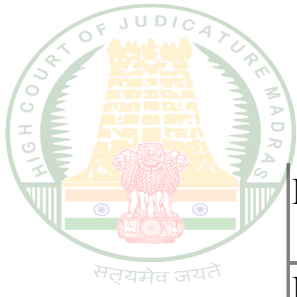
P.W.1 – Mr.K.Jayapal

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Registered Will dated 29.08.2016 executed by Mrs. Sakunthala.
Ex.P2	Computer generated death certificate of



	Mr.V.K.Umapathy.
Ex.P3	Computer generated death certificate of Mrs.U.Sakunthala.
Ex.P4	Photocopy of the registered sale deed dated 15.03.1999 executed in favour of Mrs.U.Sakunthala (Compared with the original).
Ex.P5	Computer generated encumbrance certificate dated 07.10.2023 for the period 25.11.1994 to 24.09.2023.
Ex.P6	Photocopy of the Water and Sewerage Tax card standing in the name of Mrs.Sakunthala (Compared with the original).
Ex.P7	Photocopy of the Property Tax card standing in the name of Mrs. Sakunthala (Compared with the original).
Ex.P8	Photocopy of the Electricity consumption card standing in the name of Mrs. Sakunthala (Compared with the original).
Ex.P9	Photocopy of my Aadhar card (Compared with the original).
Ex.P10	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Affidavit of Assets showing the net value of the estate as Rs. 10,00,000/-.
Ex.P12	Copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 08.11.2024.
Ex.P13	Copy of paper publication effected in one issue of English daily 'Trinity Mirror' dated 15.11.2024.
Ex.P14	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P15	My affidavit as attesting witness.



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Ex.P16	Photocopy of my Aadhaar Card (Compared with the original)
Ex.P17	My affidavit as attesting witness.

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