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O.P.No.774 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

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

O.P.No.774 of 2023

Devipriya Ramakrishnan

...Petitioner

VS.

1.T.Rajeevalochani

2.T.Kumar

3.Rama Karthikeyan

4.Ponni Ravindran

5.Gayathri Ramakrishnan

...Respondents

PRAYER: Original Petition filed under Section 232, 255 and 276 of the Indian Succession Act, 1956 and under Order XXV, Rule 5 of O.S. Rules for issue of Letter of Administration, prays that the Letters of Administration of the Will annexed may be granted to the petitioner as the beneficiary under the Will of the said deceased, having effect limited to the State of Tamil Nadu and limited to the assets mentioned in the affidavit of assets.

For Petitioner : Mr.P.Veena Suresh

For Respondents : No appearance

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 22.06.2013 executed by late.Mrs.A.Kokilambal, who died on 01.02.2021. The petitioner and the fifth respondent are the grand daughters of the Testatrix's brother. The first respondent is the wife and the respondents 2 to 4 are the children of the Textatrix's brother Late.Mr.Thillai Nayagam. The property mentioned in the petition has been inherited by the testatrix from her husband Late.Mr.S.Ayyasamy who predeceased her on 23.01.1998. The petitioner is the beneficiary for the property under the said will. The petitioner seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The third respondent has examined herself as PW1 on behalf of the petitioner who presently resides at Michigan,USA as her power agent. The Special Power of Attorney dated 19.09.2024 executed in favour of the third respondent Mrs.Rama Karthikeyan by the petitioner has been marked as Ex.P1. She has produced the death certificates of the Testatrix and the testatrix's husband Late.Mr.S.Ayyasamy as Ex.P11 and Ex.P4 respectively



The certified copy of the unregistered will and testament dated 22.06.2013 as

Ex.P2. The legal heirship certificate of the testatrix's husband

Late.Mr.S.Ayyasamy has been marked as Ex.P5. The photocopy of the Name

transfer order dated 15.12.2008 in respect of the property from

Late.Mr.A.Ayyasamy to the testatrix has been marked as Ex.P12. The

photocopy of the letter dated 18.04.2022 issued by the Tahsildar with respect

of the Class II heirs Relationship Certificate of the testatrix has been marked

as Ex.P10. On perusal of Ex.P5 its clear that the testatrix and her husband

Late.Mr.Ayyasamy did not have any issues in their duration of marriage. The

Ex.P12 clearly proves that the testatrix held the ownership of said property

during her lifetime, till her death. From Ex.P10 and Ex.P2 it can be asserted

that the Petitioner is the Class II Legal heir to the Testatrix and also the

beneficiary for the property being mentioned in the will dated 22.06.2013.

The respondents R1 to R5 have filed their consent affidavits.

3. Mr.C.Namachivayam who is the second attesting witness to the said Will dated 22.06.2013 has been examined as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by her and has marked his affidavit as Ex.P20.



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 petitioner, in respect of the Will dated 22.06.2013 of the testatrix late.Mrs.A.Kokilambal. The petitioner/power agent of 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/power agent of 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.

01.04.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.Rama Karthikeyan

P.W.2 – Mr.C.Namachivayam

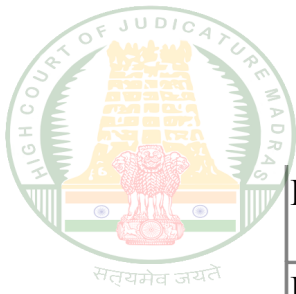
P.W.3 – Mrs.Rama Karthikeyan

Documents exhibited by the petitioners:



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Exhibits	Documents
Ex.P1	Photocopy of the special Power of Attorney dated 19.09.2024 executed by the petitioner in my favour.
Ex.P2	Original unregistered will dated 22.06.2013 executed by Mrs.A.Kokilambal.
Ex.P3	Photocopy of the death certificate of Mr.T.M.Rethina Sabapathi (Compared with the original)
Ex.P4	Photocopy of the death certificate of Mr.S.Ayyasamy (Compared with the original)
Ex.P5	Photocopy of the legal heirship certificate of Mr.S.Ayyasamy (Compared with the original)
Ex.P6	Photocopy of the death certificate of Mr.R.Thillai Nayagar (Compared with the original)
Ex.P7	Photocopy of the legal heirship certificate of Mr.R.Thillai Nayagam (Compared with the original)
Ex.P8	Photocopy of the sale deed dated 23.02.1978 executed in favour of Mr.S.Ayyasamy (Compared with the original)
Ex.P9	Photocopy of the legal heirship certificate of Mr.R.Rathinasabapathy (Compared with the original)
Ex.P10	Photocopy of the letter dated 18.04.2022 issued by the Tahsildar, Velachery in respect of Class II heirs Relationship certificate of Mrs.A.Kokilambal (Compared with the original)
Ex.P11	Computer generated death certificate of Mrs.A.Kokilambal.
Ex.P12	Photocopy of the Name transfer order dated 15.12.2008 in respect of the property mentioned in the Will from Mr.A.Ayyaswamy to Mrs.A.Kokilambal (Compared with the original)
Ex.P13	Computer generated death certificate of Mrs.R.Shanthi.
Ex.P14	Computer generated death certificate of Mr.D.Ramakrishnan.
Ex.P15	Computer generated death certificate of of Mr.N.Rajavadivelu.



WEB COPY

O.P.No.774 of



Ex.P16	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P17	Affidavit of assets showing the net value of the Estate as Rs.2,41,00,000/-
Ex.P18	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 27.07.2024.
Ex.P19	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 03.08.2024.
Ex.P20	Affidavit.
Ex.P21	Photocopy of Aadhaar Card (Compared with the original)

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01.04.2025

K.KUMARESH BABU, J.

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WEB COPY

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