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O.P.No.533 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.07.2025**

CORAM

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

O.P.No.533 of 2023

Mrs.V.Baby

...Petitioner

VS.

1.Mrs.M.Varalakshmi
2.Mr.M.Thiruvankadam

...Respondents

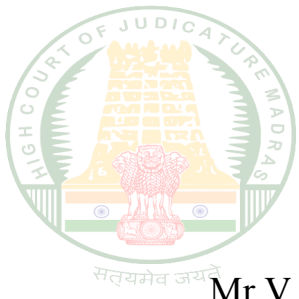
PRAYER: Original Petition filed under Section 232 & 276 of Indian Succession Act and Order XXV Rules 5 of O.S.Rules, prays that Letter of Administration with the WILL annexed may be granted to her as the daughter one of beneficiary under the WILL of the said deceased having effect through the State of Tamil Nadu.

For Petitioner : Mr.R.Rajesh Vivekananthan

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 23.09.1992 executed by Mrs.Kannammal, who died on 05.03.2002.



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2. The petitioner submits that the testatrix got married to one Mr.V.Rajagopal and had begotten the petitioner and 1st respondent as her children. The 2nd respondent is the son of the 1st respondent and therefore the grandson of the testatrix. The petitioner further submits that the testatrix before her death had executed a Will on 23.09.1992, in which she had named the petitioner along with both the respondents as the beneficiaries as described elaborately in the Will. The petitioner further submits that she along with the 1st respondent are the only legal heirs of the testatrix. Therefore the petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

3. The petitioner has examined herself as PW1 and she has produced 9 Documents to support her deposition which are listed as Ex.P1 to Ex.P9 at the foot of the order. The Original Will dated 23.09.1992 executed by the testatrix has been marked as Ex.P1. The photocopy of the death certificate of the testatrix has been marked as Ex.P2. The photocopy of the legal heirship certificate of the testatrix has been marked as Ex.P3 and a perusal of the same clearly establishes the relationship of the petitioner and 1st respondent with the Testatrix. The perusal of Ex.P1 clearly substantiates the claims made in the petition that petitioner and the respondents 1 and 2 were the beneficiaries



named in the Will. The general paper publications had been effected and were marked as Ex.P8 and Ex.P9, no objections were received for the same.

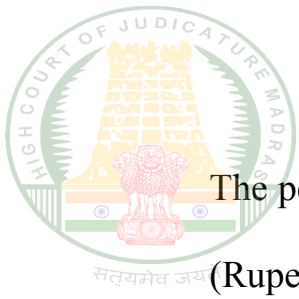
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4. The petitioner submits that the Mr.Duraisamy Pillai, who was the 1st attesting witness to the Ex.P1 had died and the petitioner has marked the photocopy of his death certificate as Ex.P5. The petitioner had examined one Mr.Vellaisamy, who is the third party as PW2. He submits that he is well known with the signature of the 1st attesting witness to the Will and has identified the signature of the 1st attesting witness in the Ex.P1.

5. The respondents 1 and 2 have expressed their consent to grant the Letters of Administration in favour of the petitioner and their respective consent affidavits had been filed.

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.

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 23.09.1992 of the testatrix Late.Mrs.R.Kannammal.



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.

23.07.2025

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Index :Yes/No

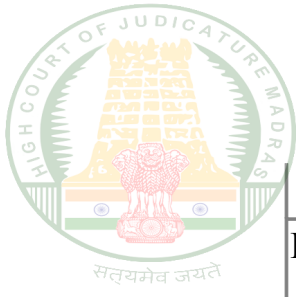
Petitioner's witness:

P.W.1 – Mrs.V.Baby

P.W.2 – Mr.Vellaisamy

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will dated 23.09.1992 executed by Mrs.R.Kannammal.
Ex.P2	Photocopy of the death certificate of Mrs.Kannammal (Compared with the original)
Ex.P3	Photocopy of the legal heir ship certificate of Mrs.Kannammal(Compared with the original)
Ex.P4	Photocopy of Aadhaar card of P.W.1(Compared with the original)
Ex.P5	Computer generated death certificate of the first attestor Mr.Durai Sami Pillai.
Ex.P6	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P7	Affidavit of assets showing the net value of the estate as Rs.25,00,000/-
Ex.P8	Copy of the paper publication effected in one issue of Tamil



WEB COPY

O.P.No.533 of



	Daily “Makkal Kural” dated 09.07.2024.
Ex.P9	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 16.07.2024.
Ex.P10	Photocopy of Aadhaar Card of P.W.2(Compared with the original)

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23.07.2025



WEB COPY

O.P.No.533 of



K.KUMARESH BABU, J.

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O.P.No.533 of 2023

23.07.2025