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O.P.No.646 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.03.2025**

CORAM

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

O.P.No.646 of 2023

Mrs.Gita Sankaran

...Petitioner

VS.

1.Mrs.Aarthi

2.Mr.Siddarth

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of Indian Succession Act, 1925 read with Order XXV Rule 5 of the High Court Original Side Rules, 1956, prays that Letter of Administration with the Will annexed may be granted to the petitioner being the wife and the beneficiary under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.M.Kamalakaran

For Respondents : M/s.A.Sumathy
(For R1 & R2)

**ORDER****WEB COPY**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 01.09.2007 executed by late.Mr.P.Sankaran, who died on 06.03.2008 in Ontario, Canada. The petitioner is the wife of the deceased and the respondents are the children of the deceased late.Mr.P.Sankaran. The petitioner is the only beneficiary 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 first petitioner has examined herself as PW1. She has produced the photocopy of the death certificate of the Testator as Ex.P2. The certified copy of the will and testament dated 01.09.2007 as Ex.P1 . The testator had appointed two executors of the above said will namely late.Mr.N.Srinivasan his uncle and late.Mr.P.Sundaresan his brother, both of them died on 27.12.2013 and 16.06.2013 respectively. On perusal of the Ex.P2, the death certificate of the testator where the petitioner is mentioned as the Spouse of the deceased which thereby proves the relationship between petitioner and the testator. On perusal of Ex.P1 which clearly exhibits that the petitioner is



the only beneficiary under the said will dated 01.09.2007.

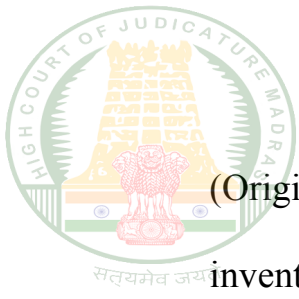
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3. The petitioner has examined Mr.N.R.Boovarahan, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator and its attestation by him and has marked his affidavit as Ex.P7.

4. The paper publications marked as Ex.P5 and Ex.P6 have been duly made and no objections has been received for the same.

5. 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.

6. 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 01.09.2007 of the testator late.Mr.P.Sankaran . 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 – Mrs.Gita Sankaran

P.W.2 – Mr.N.R.Boovarahan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will and Testament dated 01.09.2007 executed by Mr.P.Sankaran.
Ex.P2	Photocopy of the death certificate of Mr.Pacha Pakesan Sankaran (Compared with the original)
Ex.P3	Certified copy of the sale deed dated 14.12.1979 executed in favour of Mr.P.Sundaresan, Mr.P.Sankaran and Mrs.Abirami Subramanian.
Ex.P4	Affidavit of Assets showing the net value of the estate as Rs.15,96,000/-
Ex.P5	Copy of the paper Publication effected in one issue of Tamil Daily "Makkal Kural" dated 24.02.2024.
Ex.P6	Copy of the paper Publication effected in one issue of English Daily "Trinity Mirror" dated 02.03.2024.
Ex.P7	Affidavit.
Ex.P8	Photocopy of Aadhaar Card (Compared with the



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<i>Exhibits</i>	<i>Documents</i>
	original)

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