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O.P.No.661 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.02.2025**

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

**O.P.No.661 of 2023**

Subrahmanyam Arigela

...Petitioner

vs.

1.Arigela Prabhukumar  
2.Arigela Satish  
3.Pragada Venkateswari

...Respondents

**PRAYER:** Original Petition filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the High Court Original Side Rules, prays that Letters of Administration with the Will dated 19<sup>th</sup> day of June 2014 annexed may be granted to the petitioner as the eldest son/one of the beneficiaries under the Will of the deceased Arigela Veerabhadra Rao, more fully described in the schedule to the petitioner is concerned, to have effect throughout the State of Tamil Nadu and thus render justice.

For Petitioner : Mr.V.G.Sureshkumar

For Respondents : No appearance

**ORDER****WEB COPY**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 19.06.2014 executed by late.Arigela Veerabhadra Rao, who died on 05.05.2021. The petitioner and the respondents are the children of the testator and the only surviving legal heirs of the testator. The petitioners and the respondents are the only beneficiaries under the said will. The testator 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.

2. The petitioner has examined himself as PW1. He has produced the death certificates of the Testator and his wife late.Arigela Naga Ratnam as Ex.P4 and Ex.P5. The original will and testament dated 19.06.2014 as Ex.P1. The legal heir certificate of the testator as Ex.P6. On perusal of the Ex.P6, it clearly exhibits that the petitioner and the respondents are the children of the testator. The petitioner and the respondents are the only surviving legal heirs of the testator late.Arigela Veerabhadra Rao. The third respondent has been examined as RW1. She gave deposition on her behalf and on behalf of the second respondent. The second and third respondents



filed their consent affidavit to grant letter of Administration in favour of the petitioner. The paper publications have been made and marked as Ex.P10 and Ex.P11. Objections have not been received from any persons.

3. The petitioner has examined Mr.A.M.S.Srinivas, 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.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.

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 19.06.2014 of the testator late.Arigela Veerabhadra Rao. 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.Subrahmanyam Arigela

P.W.2 – Mr.A.M.S.Srinivas

**Documents exhibited by the petitioners:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                                                                                                                                                                                                                                                |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                  | Original Will dated 19.06.2014 executed by Mr.Veerabhadra Rao.                                                                                                                                                                                                                                                                         |
| Ex.P2                  | Certified copy of the sale deed dated 11.06.1987 executed in favour of Mr.A.Veerabhadra Rao (witness states that the original of this document is lost and a non-traceable certificate has been issued by K-4, Anna Nagar, Police Station dated 18.03.2020. This document is marked subject to its admissibility, proof and relevancy) |
| Ex.P3                  | Photocopy of the non-treaceable certificate dated 18.03.2020 issued by Inspector of Police, K-4, Anna Nagar, Chennai – 14 with regard to original of Ex.P2 document (Compared with the original)                                                                                                                                       |
| Ex.P4                  | Computer generated death certificate of Mr.Arigela Veerabhadra Rao.                                                                                                                                                                                                                                                                    |
| Ex.P5                  | Computer generated death certificate of Mrs.Arigela Naga Ratnam.                                                                                                                                                                                                                                                                       |
| Ex.P6                  | Computer generated legal heir ship certificate of Mr.Arigela                                                                                                                                                                                                                                                                           |



| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                 |
|------------------------|---------------------------------------------------------------------------------------------------------|
|                        | Veerabhadra Rao.                                                                                        |
| Ex.P7                  | Photocopy of my Aadhaar Card (Compared with the original)                                               |
| Ex.P8                  | Certificate under Section 65 B of the Indian Evidence Act, 1872.                                        |
| Ex.P9                  | Affidavit of assets showing the net value of the estate as Rs.6,00,00,000/-                             |
| Ex.P10                 | Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 29.07.2024.     |
| Ex.P11                 | Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 22.07.2024. |
| Ex.P12                 | My affidavit as attesting witness.                                                                      |
| Ex.P13                 | Photocopy of my Aadhaar Card (Compared with the original)                                               |

**Respondent's witness:**

R.W.1 - Mrs.Pragada Venkateswari

**Documents exhibited by the petitioners:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                   |
|------------------------|-----------------------------------------------------------|
| Ex.R1                  | Photocopy of my Aadhaar Card (Compared with the original) |

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**K.KUMARESH BABU, J.**

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