



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.06.2025**

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

O.P.No.438 of 2023

Mrs.S.Kamala

...Petitioner

VS.

1.Mrs.S.Rajini

2.Mr.N.Vijay Srinivasan

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act 39 (1925) of petitioner for the grant of Letters of Administration with Will annexed, to the property and credits of Late N.Srinivasan deceased under Order XXV Rule 5 of O.S. Rule, prays that the Letters of Administration with Will annexed may be granted to the petitioner as wife/Life interest vested under the will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.B.S.Sundaramoorthi

For Respondents : No appearance for R1 and R2

ORDER

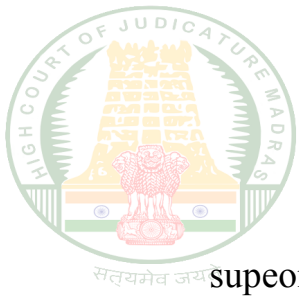
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 17.02.2014 executed by



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late.N.Srinivasan, who died on 25.05.2020. The petitioner is the wife and the respondents are the children of the testator. The petitioner and the first respondent are the beneficiaries under the Will. The petitioner received life interest and the respondent received the absolute right. The testator did not appoint an executor under the Will. The testator revoked the previous Will dated 28.08.2008 by the Will dated 17.02.2014. Hence, 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 herself as PW1. She has produced the death certificate of the Testator as Ex.P2. The original registered will and testament dated 17.02.2014 as Ex.P1. The legal heir certificate of the testator as Ex.P3. On Perusal of Ex.P3, shows that the testator died leaving behind the petitioner, his wife and the respondents, his children as his surviving legal heirs. The paper publications were made and marked as Ex.P11 and Ex.P12. No objections were received from any person. The respondents inspite of service of notice on them, had kept themselves away from this proceedings.

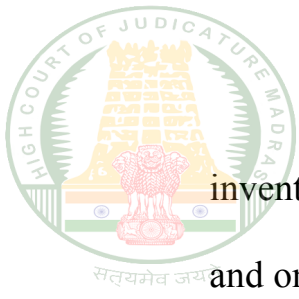


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3. The petitioner filed an application in A.No.6268 of 2024 to issue supeona to the two attesting witnesses and the same was allowed by the Master on 03.12.2024. The supeona was effected and returned as no such persons. Therefore, the petitioner has examined Mr.J.Sudhakar, who is the third party and a person well acquainted with testator and the attesting witnesses to the said Will as PW2. Since, he was present at the time of execution, he has spoken about the execution of the Will by the testator and identified the signature of the testator.

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 17.02.2014 of the testator late N.Srinivasan. 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

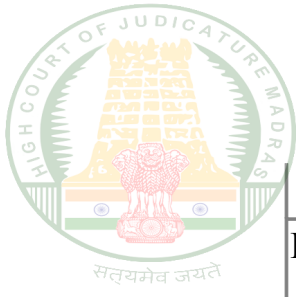
Petitioner's witness:

P.W.1 – Mrs.S.Kamala

P.W.2 – Mr.J.Sudhakar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original registered Will dated 17.02.2014 executed by Mr.N.Srinivasan.
Ex.P2	Computer generated death certificate of Mr.Srinivasan.
Ex.P3	Computer generated legal heir ship certificate of Mr.N.Srinivasan.
Ex.P4	Photocopy of Aadhaar Card of P.W.1(Compared with the original)
Ex.P5	Photocopy of the Aadhaar Card of Mr.N.Srinivasan.(Compared with the original)
Ex.P6	Photocopy of the Aadhaar Card of Mrs.S.Rajini.(Compared with the original)
Ex.P7	Photocopy of the passbook of Karur Vysya Bank bearing A/c.No.1265155000087370 jointly standing in the names of Mr.Vijay Srinivasan, Mr.N.Srinivasan and Mrs.S.Kamala.(Compared with the original)
Ex.P8	Computer generated property tax receipt dated 15.02.2022 stands in the name of Mr.N.Srinivasan.
Ex.P9	Certificate under Section 65 B of the Indian Evidence Act,



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Ex.P10	Affidavit of assets showing the net value of the estate as Rs.11,50,000/-
Ex.P11	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 05.07.2024.
Ex.P12	Copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 12.07.2024.
Ex.P13	Aadhar Card of P.W.2(Compared with the original)

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