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O.P.No.719 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.08.2025**

CORAM

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

O.P.No.719 of 2024

Anitha Rabinder Das

... Petitioner

Vs.

1.Srikant Rabinder Das

2.Gayathri Raja Peter

... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925 r/w. Order XXV Rule 5 of the Original Side Rules, praying for Letters of Administration with the Will annexed may be granted to the petitioner as daughter/ beneficiary under the last Will and testament of the deceased Mrs.Prema Rabinder Das, having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.K.Harishankar

For Respondents : No appearance

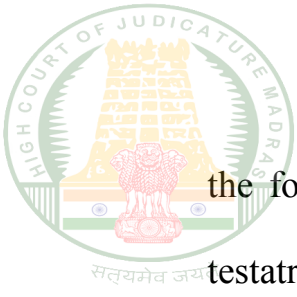


ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 29.01.2013 executed by Mrs.Prema Rabinder Das, who died on 24.12.2020. The petitioners and the respondents are the only legal heirs of the testatrix.

2. The petitioner submits that the testatrix got married to one Mr.Rabinder Das and was blessed with the petitioner along with the respondents 1 and 2 as her children. The petitioner submits that her father and the husband of the testatrix had predeceased the testatrix. The petitioner asserts that the testatrix prior to her demise had executed a Will on 29.01.2013, through which she had bequeathed both the immovable property and the movable properties which are described morefully therein. The testatrix had appointed one Mr.R.K.Krishna Kumar as the executor of the aforesaid Will, but the appointed executor died on 01.01.2023, without proving the Will. Therefore the petitioner as the sole beneficiary named in the Will 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. She has produced 11 documents to support his deposition which are listed as Ex.P1 to Ex.P11 at



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the foot of the order. She has produced the Original Will executed by the testatrix as Ex.P2. The computer generated death certificate of the testatrix has been marked as Ex.P5 and the photocopy of the death certificate of her husband has been marked as Ex.P3. The legal heirship certificate of the testatrix has been marked as Ex.P6. The perusal of Ex.P2 unequivocally establishes that the petitioner is the sole beneficiary named in the Will executed by the testatrix. The perusal of the Ex.P6 proves that the petitioner and the respondents 1 and 2 are the sole legal heirs of the testatrix. The general paper publications had been effected which are marked as Ex.P11 and Ex.P12 and no objections have been received for the same.

4. The petitioner avers that the original attesting witnesses to the Will dated 29.01.2013 are Mr.Suryanarayanan and Mr.U.Krishnamurthy, while 1st attesting witness, Mr.Suryanarayanan died on 03.11.2017 and his computer generated death certificate has been marked as Ex.P4. Hence the petitioner has examined one Mr.Sridharan as PW2, who is well acquainted with the aforesaid Late.Mr.Suryanarayanan and has identified his signatures in the Ex.P2.

5. The service of notices has been completed upon the respondents 1 and 2. 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 have been filed.

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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 29.01.2013 of the testator Late.Mrs.Prema Rabinder Das. 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:**

Ms.Anitha Rabinder Das (PW1)

Mr.Sridharan (PW2)

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the deed of agreement between the deceased Mrs.Prema Rabinder Das and M/s.Southern Investments along with name transfer form dated 07.04.1978.
Ex.P2	Original Will executed by Mrs.Prema Rabinder Das in favour of the petitioner dated 29.01.2013.
Ex.P3	Photocopy of the death certificate of V.C.Rabinder Das issued on 24.06.1975. (Original is produced, compared and returned to the petitioner's counsel.)
Ex.P4	Computer generated copy of the death certificate of attesting witness, Late Suryanarayanan who died on 03.11.2017.
Ex.P5	Computer generated copy of the death certificate of Mrs.Prema Rabinder Das who died on 24.12.2020.
Ex.P6	Computer generated copy of the legal heir certificate of Mrs.Prema Rabinder issued on 11.10.2021.
Ex.P7	Computer generated copy of the property tax receipt for the schedule property dated 28.06.2022.
Ex.P8	Computer generated copy of the death certificate of R.K.Krishna Kumar who died on 10.01.2023.
Ex.P9	One issue of paper publication in Tamil Daily "Makkal Kural" dated 13.05.2025.
Ex.P10	One issue of paper publication in English Daily "Trinity Mirror" dated 04.05.2025.
Ex.P11	Affidavit of assets showing the net value Rs.84,99,000/-
Ex.P12	Affidavit of the petitioner.
Ex.P13	Photocopy of the Aadhar Card of the petitioner.

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K.KUMARESH BABU, J.



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