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O.P.No.645 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.03.2025**

CORAM

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

O.P.No.645 of 2024

Mr.Ashok Kumar Krishnamoorthy
Adopted S/o.Late.Mrs.K.Jayalakshmi and
Late Mr.Krishnamoorthy and
2828, 146 ST Surrey BC V4P 0B1,
Canada.
Represented through his Power of Attorney Agent
Ms.K.Vijayalakshmi
W/o.Mr.Krishnamoorthy
residing at 2nd Block,
Cedar Park, 4th Main Road Extension,
Kotturpuram, Chennai – 600 085.
Tamil Nadu, India.

And also, at
A-14, Sangeeth Apts,
D.No.137, Cart Track Road,
Velachery, Chennai – 600 042.

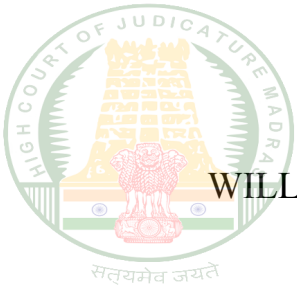
...Petitioner

vs.

Mrs.G.Indira

...Respondent

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925 read with Order XXV Rule 5 of the O.S.Rules, prays that Letters of Administration with the WILL annexed may be granted to the petitioner as the beneficiary adopted son under the said



WILL having effect throughout the State of Tamil Nadu.

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For Petitioner : M/s.Priyanka.R
For Respondent : Mr.U.Venkatesh

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 25.06.2008 executed by late.Mrs.K.Jayalakshmi, who died on 05.01.2024. The petitioner who is represented by his Power of Attorney Mrs.K.Vijayalakshmi is the legally adopted son of the Testatrix. The petitioner is the only beneficiary under the said will. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court (the name of the deceased has been wrongly provided in the evidence).

2. The Power of Attorney of the petitioner has examined herself as PW1. She has produced the death certificate of the Testatrix as Ex.P3. The certified copy of the registered will and testament dated 25.06.2008 as Ex.P2. The legal heir certificate of the testatrix as Ex.P4. The Testatrix and her predeceased husband Mr.K.Krishnamoorthy did not have any issues in the duration of their marriage. On perusal of the Ex.P4, it clearly exhibits that



the testatrix has the petitioner her adopted son and the respondent her adopted daughter as the only surviving legal heirs. A perusal of the Ex.P2 clearly exhibits that the petitioner is the only beneficiary under the said will.

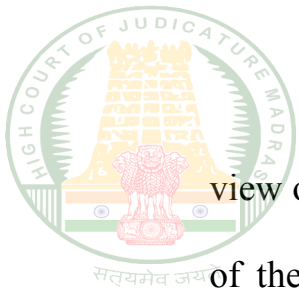
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3. The respondent Mrs.G.Indira who examined herself as the first attesting witness to the said will as PW2. She has spoken about the execution of the Will by the testatrix and its attestation by her and has marked her affidavit as Ex.P12.

4. The Paper publications have been made which are marked as Ex.P9 and Ex.P10, no objections were received.

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. It is to be noted that in the Chief examination that had been deposed, the name of the deceased as been noted as Mrs.K.Vijayalakshmi Ammal in Ex.P2, Ex.P3, Ex.P4 and Ex.P7. A perusal of the said exhibits would only disclose that the name of the deceased as Mrs.K.Jayalakshmi Ammal. In such



view of the matter, in the foot of the order, in the list of documents, the name of the deceased shall be reflected as Mrs.K.Jayalakshmi Ammal in Ex.P2, Ex.P3, Ex.P4 and Ex.P7.

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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 25.06.2008 of the testatrix late.Mrs.K.Jayalakshmi. The Power of Attorney of 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 and 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

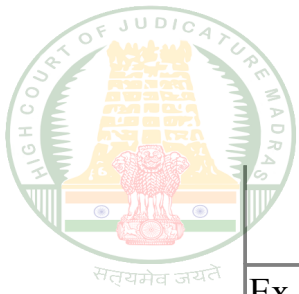
Petitioner's witness:

P.W.1 – Ms.Vijayalakshmi

P.W.2 – Mrs.G.Indira

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the power of attorney dated 08.04.2024



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	executed in favor of Mr.Ashok Kumar Krishnamoorthy (Compared with the original).
Ex.P2	Original registered Will dated 25.06.2008 executed by Mrs.K.Jayalakshmi Ammal.
Ex.P3	Computer-generated death certificate of Mrs.K.Jayalakshmi.
Ex.P4	Computer-generated legal heirship certificate of Mrs.K.Jayalakshmi.
Ex.P5	Computer-generated death certificate of Mr.S.Gopalakrishnan.
Ex.P6	Computer-generated legal heirship certificate of Mr. S.Gopalakrishnan.
Ex.P7	Photocopy of the sale deed dated 25.06.2008 executed in favor of Mrs.K.Jayalakshmi Ammal.
Ex.P8	Affidavit of Assets showing the net value of the estate as Rs. 39,18,000/-.
Ex.P9	Copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 27.11.2024.
Ex.P10	Copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 04.12.2024.
Ex.P11	Certificate under Section 65B of the Indian Evidence Act, 1872 (in respect of Exs.P3, P4, P5, and P6).
Ex.P12	My affidavit.
Ex.P13	Photocopy of my Aadhaar Card (Compared with the original)

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