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O.P.No.853 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

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

O.P.No.853 of 2024

A.J.Mary Subashine

...Petitioner

PRAYER: Original Petition filed under Section 232 and 276 of Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S. Rules, prays that Letters of Administration with the Will annexed may be granted to her as the daughter and beneficiary under the Will of the deceased to have effect limited to the State of Tamil Nadu limited.

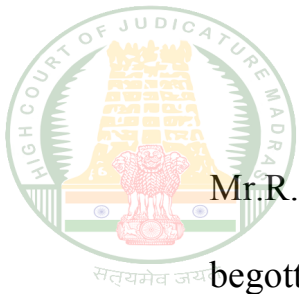
For Petitioner : Mr.E.Senthil Kumar

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 08.08.1990 executed by Late.Mrs.A.Mary Josephine, who died on 04.01.2013. The petitioner is the daughter of the testatrix and also the sole legal heir of the testatrix. The testatrix had not appointed any executor under the said Will dated 08.08.1990.

2. The petitioner states that the testatrix had got married to one



Mr.R.L.Anthony James who predeceased her on 12.05.1999. The couple had begotten the petitioner as their only child in the duration of their marriage.

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The testatrix along with her father Mr.Tulukkanam and her sister Mrs.Lurthu Mary @ Lilly had purchased an immovable property vide Sale Deed dated 22.06.1970. After the death of the testatrix's father, his share devolved upon his two daughters viz., the testatrix and her sister Mrs.Lurthu Mary @ Lilly. Therefore the testatrix holds the 50% share in the said immovable property. The petitioner submits that the testatrix had executed a Will dated 08.08.1990, in which she had bequeathed her share in the property which is more fully described in schedule of the petition absolutely in favour of the petitioner. The petitioner is the only beneficiary under the said will. Therefore the petitioner seeks issuance of Letters of Administration in respect of the property situated within the jurisdiction of this Court.

3. The petitioner has examined herself as PW1 and she had produced 7 documents to support her deposition which are listed as Ex.P1 to Ex.P7 at the foot of the order. She had produced the Original Will dated 08.08.1990 executed by the testatrix as Ex.P1. The printout of the death certificates of the testatrix and the husband of the testatrix has been marked as Ex.P3 and Ex.P2. The photocopy of the legal heirship certificate of the testatrix has been marked as Ex.P4 and the perusal of the same proves that the petitioner



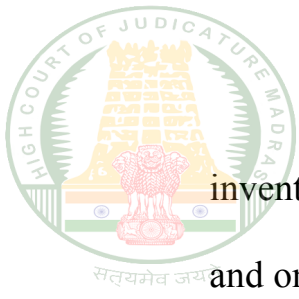
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is the sole legal heir of the testatrix. A perusal of Ex.P1 substantiates claims made in the petition, that petitioner is the only beneficiary named under the said Will executed by the testatrix. The general paper publication had been effected which are marked as Ex.P6 and Ex.P7 and no objections were received for the same.

4. The petitioner has examined Mr.T.Mohan Kumar, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him along with the first attesting witness Mr.Kuppusamy.

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 08.08.1990 of the testatrix Late.A.Mary Josephine. 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.A.J.Mary Subashine

P.W.2 – Mr.T.Mohan Kumar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will executed by A.Mary Josephine dated 08.08.1990.
Ex.P2	Printout of the Death Certificate of Anthony James RL dated 04.09.2014.
Ex.P3	Printout of the Death Certificate of A.Mary Josephine dated 21.11.2013.
Ex.P4	Photocopy of the Legal Heir Certificate of A.Mary Josephine dated 02.06.2014.(Compared with the original)
Ex.P5	Affidavit of Assets filed by the petitioner.
Ex.P6	Copy of the Paper Publication effected in Tamil Daily Makkal Kural dated 23.03.2025.
Ex.P7	Copy of the Paper Publication effected in English Daily Trinity Mirror dated 30.03.2025.

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K.KUMARESH BABU, J.

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