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O.P.No.19 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.03.2025**

CORAM

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

O.P.No.19 of 2022

Shri.A.Leelakrishnan

...Petitioner

VS.

Smt.A.Gomathi

...Respondent

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, 1925 (Act XXXIX of 1925) read with Order XXV Rule 5 of O.S.Rules for grant of Letters of Administration, prays that Letters of Administration with the Will annexed of the properties and credits of deceased may be granted to the petitioner, the grandson/sole legatee of late T.Yuvarajan, under the Will of deceased, having effect limited to the State of Tamil Nadu.

For Petitioner : Ms.R.V.Rukmani
For M/s.K.S.Vamsidhar

For Respondent : No appearance

ORDER

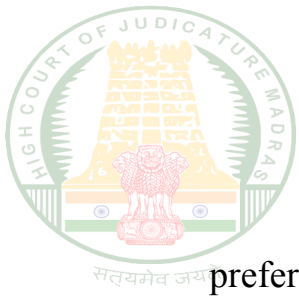
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 17.01.1994 executed by



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late.T.Yuvarajan, who died on 19.11.2006. The petitioner is the grandson and the respondent is the daughter-in-law of the testator through his only son Y.Anandarangan. The petitioner is the only beneficiary under the Will. Though the testator appointed his son as executor, his son Y.Anandarangan died on 26.02.2008. 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, his wife and his son as Ex.P3, Ex.P6 and Ex.P5. The Original will and testament dated 17.01.1994 as Ex.P2. The legal heir certificate of the testator as Ex.P4. On perusal of the Ex.P4, it clearly exhibits that the testator had a wife and a son who is the father of the petitioner and husband of the respondent herein. On perusal of the Ex.P2, the testator bequeathed his property to his grandson who is the petitioner herein. A paper publication has been made and no objections were received from any person. The consent affidavit of the respondent marked as Ex.P8.

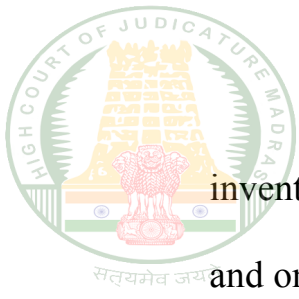


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3. Both the attesting witnesses to the Will died. An application was preferred by the petitioner to examine the third party, who is conversant with the signature of the first attesting witness and the said application was ordered vide order dated 02.08.2023 in A.No.3866 of 2023. Hence, the petitioner has examined Mr.K.Venugopal, who is a third party to the said Will as PW2. He has identified the signature of the first attesting witness Mr.Sundaresan as Ex.P15. The death certificates of the attesting witnesses as Ex.P13 and Ex.P14.

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 17.01.1994 of the testator late.T.Yuvarajan. 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.A.Leelakrishnan

P.W.2 – Mr.K.Venugopal

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Sale Deed dated 11.12.1967 (Compared with the original)
Ex.P2	Original Will dated 17.01.1994 executed by T.Yuvarajan.
Ex.P3	Computer generated death certificate of T.Yuvarajan.
Ex.P4	Photocopy of the Legal Heirship certificate of T.Yuvarajan (Compared with the original)
Ex.P5	Computer generated death certificate of Y.Anandarangan.
Ex.P6	Computer generated death certificate of Vanaja.
Ex.P7	Online guideline valuation report in respect of the petition property.
Ex.P8	Consent affidavit given by the respondent.
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.1,04,61,600/-
Ex.P10	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 06.09.2022.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P11	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 15.09.2022.
Ex.P12	Photocopy of the Aadhaar Card of Mr.K.Venugopal (Original compared)
Ex.P13	Original Death Certificate of the first attesting witness Mr.M.Sundaresan dated 20.11.2014.
Ex.P14	Printout copy of the Death certificate of the second attesting witness Y.Anandarangan dated 26.02.2008 (Section 65 B certificate of Indian Evidence Act filed for Ex.P14 printout)
Ex.P15	Signature of the first attesting witness Mr.Sundaresan in Ex.P2 Will.

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