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O.P.No.808 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.08.2025**

CORAM

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

O.P.No.808 of 2024

Dr.Nandita A.Thakkar

...Petitioner

Vs.

1.Harshini Vinoth Alias Harshini V.Mehta

2.Master Satveer (Minor)

Rep. by his Father and Natural Guardian Mr.Vinod Kumar R.Dhalani

3.Varun A.Thakkar

4.Dr.Bhavini A.Thakkar

... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925 and Order XXV Rule 5 of the Original Side Rules praying to grant Letters of Administration with the Will dated 06.03.2023 annexed herewith, of the property, and credits of the deceased to the petitioner who is one of the daughters/ beneficiaries/ Legatee under the said Will dated 06.03.2023 of the Late Vijay A.Mehta alias Vijayakumar A.Mehta, having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.Venkatraman
for M/s.Tatva Legal Chennai

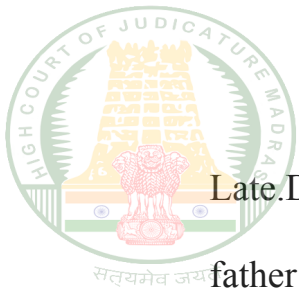
For Respondents : No appearance

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 06.03.2023 executed by Mr.Vijay A.Mehta @ Vijayakumar A.Mehta who died on 31.03.2023. The petitioner and the 1st respondent are the legal heirs of the testator. The respondents 2 to 4 are grand children of the testator. The 2nd respondent is a minor who has been represented by his father. The testator has not appointed any executor for the aforesaid will.

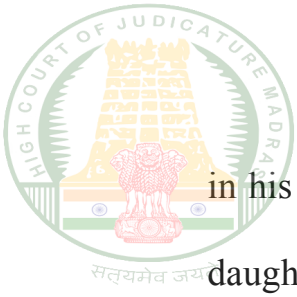
2. The petitioner submits that the testator had gotten married to one Mrs.Kiran V.Mehta and had begotten the petitioner and the 1st respondent as his children out of the above said wedlock. The 2nd respondent is the grandson of the testator through the 1st respondent who is a minor and his represented by his father and natural guardian Mr. Vinod Kumar R.Dhalani. The respondents 3 and 4 are grandchildren of the testator through the petitioner. The petitioner further submits that the testator had acquired certain immovable properties through his father Late.Mr.A.J.Mehta as the result of the partition of the Hindu Undivided Family (HUF) properties and the immovable properties acquired by the testator through the Settlement deed dated 05.07.2003 executed in favour of the testator by his mother



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Late.Dr.Mrs. Savitha Ben Mehta. The petitioner further submits that her father had made certain settlements towards his wife Late.Mrs.Kiran V.Mehta and his two daughters, the petitioner and the 1st respondent herein, from the immovable properties which he had acquired through the partition of HUF properties as stated supra, vide the Settlement deed dated 27.03.1992 and the Deed of Rectification of the aforesaid Settlement Deed dated 10.08.1992.

3. The petitioner asserts that prior to his demise the testator had executed a Will dated 06.03.2023. In accordance with the aforesaid will, the testator had bequeathed the movable and the immovable properties morefully described therein, in favour of the petitioner, the 2nd respondent and the 4th respondent as set out in the will. The immovable property bequeathed upon the 2nd respondent is subjected to a condition that the properties bequeathed upon the 2nd respondent cannot be sold to any third persons without the same being offered to the petitioner or the 3rd respondent at the Government Guide Line Value and such Sale can be effected only when the 2nd respondent attains the age of majority. The dispositions made in the above said Will are subjected to certain directions imposed upon the petitioner, morefully explained in the Will, which the petitioner undertakes to fulfill. The testator,



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in his will had set out a contingency clause, that in the event of either of his daughters, the petitioner and 1st respondent herein, had either mortgaged or sold the lands which was previously settled upon them by him, then the daughter who had made such alienation shall not be entitled to any of the properties bequeathed upon her through the above said Will and such properties would instead devolve upon his other daughter. The petitioner hereby submits that neither she nor her sister, the 1st respondent herein, has effected any alienation of the immovable properties previously settled upon them, as stated supra and therefore, the event of the contingency specified in the aforesaid will does not arise. Therefore the petitioner as one of the beneficiary to the will, seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

4. The petitioner has examined herself as PW1. She has produced 20 Documents to support her depositions, which are listed as Ex.P1 to Ex.P20 at the foot of the order. The Original Will dated 06.03.2023 executed by the testator has been marked as Ex.P1. The photocopies of the death certificate and the legal heirship certificate of the testator have been marked as Ex.P2 and Ex.P3. The photocopy of the death certificate and the legal heirship certificate of the Late.Mrs. Kiran V.Mehta, the wife of the testator, has been



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marked as Ex.P4 and Ex.P5. The photocopy of the Deed of Rectification executed by the testator has been marked as Ex.P18. The photocopy of the Deed of Settlement executed by Late.Dr.Savitha Ben Mehta, the mother of the testator in favour of the testator has been marked as Ex.P20. The perusal of the Ex.P1 proves that petitioner is one of the beneficiary named in the Will executed by the testator. The general paper publications have been effected and no objections have been received for the same.

5. The petitioner has examined Mr.Rajkumar Mr.E.S.Neelakantan, who are the first and second attesting witness to the said Will as PW2 and PW3. They have spoken about the execution of the Will by the testator and its attestation by them.

6. The service of notices upon the respondents 1 to 4 has been completed. In spite of the service being completed the respondents chose to keep themselves away from the proceedings.

7. 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.



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8. 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 06.03.2023 of the testator Mr.Vijay A.Mehta @ Vijayakumar A.Mehta. 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:

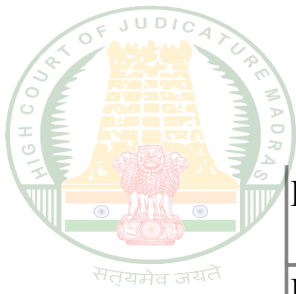
P.W.1 – Dr.Nandita Thakkar

P.W.2 – Mr.Rajkumar Chitkara

P.W.3 – Mr.E.S.Neelakantan

Documents exhibited by the petitioner:

Exhibits	Documents
Ex.P1	Original Will executed by late Vijay A.Mehta @ Vijayakumar A.Mehta dated 06.03.2023.

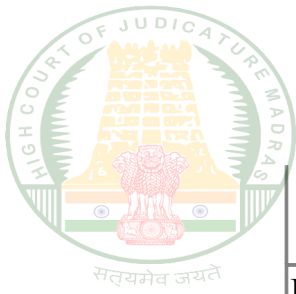


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Ex.P2	Photocopy of the Death Certificate of Vijay A.Mehta @ Vijayakumar A.Mehta dated 02.05.2023.
Ex.P3	Photocopy of the Legal Heirship Certificate of Vijay A.Mehta @ Vijayakumar A.Mehta dated 24.05.2023.
Ex.P4	Photocopy of the Death Certificate of Late Kiran V.Mehta dated 20.12.2023.
Ex.P5	Photocopy of the Legal Heirship Certificate of Kiran V.Mehta dated 11.03.2024.
Ex.P6	Photocopy of the Retort Pharmaceuticals Pvt. Ltd., Share Certificate No.001-24749 in favour of Late Vijay A.Mehta @ Vijayakumar A.Mehta dated 18.12.2022. (Compared with original).
Ex.P7	Photocopy of the Report Pharmaceuticals Pvt. Ltd., Share Certificate No.24750-25000 in favour of Kiran Vijayakumar Mehta dated 18.12.2022. (Compared with original).
Ex.P8	Photocopy of IDBI Fliex Bonds Certificate No.73391 in favour of Late Vijay A.Mehta @ Vijayakumar A.Mehta dated 25.04.2006. (Compared with original).
Ex.P9	Photocopy of the Six Year National Savings Certificate issued in favour of Late Vijay A.Mehta @ Vijayakumar A.Mehta by the Chetpet Post Office bearing No.67CC184568 dated 17.12.2007. (Compared with original).
Ex.P10	Photocopy of the Six Year National Savings Certificate issued in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta by the Chetpet Post Office bearing No.67CC 184569 dated 17.12.2007. (Compared with original).
Ex.P11	Photocopy of the Six Year National Savings Certificate issued in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta by the Chetpet Post Office bearing No.67CC 184570 dated 17.12.2007. (Compared with original).
Ex.P12	Photocopy of the Traditional Ayush Cluster of Tamilnadu Private Ltd Share Certificate No.02 issued in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta dated 20.03.2010. (Compared with original).
Ex.P13	Photocopy of the Traditional Ayush Cluster of Tamilnadu Private Ltd Share Certificate No.20 issued by Retort



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	Pharmaceuticals Pvt Ltd dated 20.03.2010. (Compared with original).
Ex.P14	Photocopy of the Mercentile Ventures Ltd Share Certificates No.27292 issued in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta dated 14.03.2015. (Compared with original).
Ex.P15	Photocopy of the the Bank of Baroda Share Certificate No.2736454 issued in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta dated 15.04.2015. (Compared with original).
Ex.P16	Photocopy of the Union Bank of India Share Certificate Share Certificate No.006005423 issued in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta as well as the Kiran V.Mehta dated 01.04.2020. (Compared with original).
Ex.P17	Photocopy of the Union Bank of India Share Certificate Share Certificate No.006005424 issued in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta as well as the Kiran V.Mehta dated 01.04.2020. (Compared with original).
Ex.P18	Photocopy of the Deed of Rectification executed by Late Vijay A. Mehta@ Vijayakumar A. Mehta and Kiran V.Mehta and their two daughters dated 30.09.1992.
Ex.P19	Photocopy of the Memorandum of Partition executed between Late Vijay A. Mehta@ Vijayakumar A. Mehta and Dilip Kumar A. Mehta dated July 1999.
Ex.P20	Photocopy of the Deed of Settlement executed by Dr.Savita Ben Mehta in favour of Late Vijay A. Mehta@ Vijayakumar A. Mehta dated 05.07.2003.

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