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O.P. No.452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.452 of 2024

D. Mahalakshmi W/o. Damodaran

... Petitioner

VS.

G. Thirupurasundari W/o. Late Gopalakrishnan

... Respondent

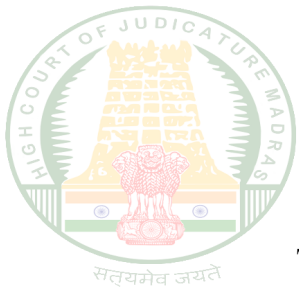
PRAYER: Original Petition is filed under Section 232 and 276 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration with the Will annexed, to the petitioner as the daughter / beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr. T. Dhanasekar

For Respondent : No appearance.

ORDER

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This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration with the Will annexed, to the petitioner as the daughter / beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

2. According to the petitioner, the Testatrix is the owner of the property and she purchased some properties and the petition mentioned schedule property was purchased through a registered Sale deed dated 30.09.1943 and the said property was bequeathed in favour of the petitioner through a Will dated 12.08.1976. The Testatrix namely E. Pattammal died on 30.08.1980. After the demise of the said E. Pattammal, the petitioner is entitled to the said property. The Testatrix had 4 children namely D. Mahalakshmi, E. Gnanasekaran, S. Saraswathi and E. Gopalakrishnan. The Testatrix already settled some properties to both her sons. Therefore, the petitioner has filed this petition for grant of Letters of Administration in favour of the petitioner.



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3. After filing of this petition, this Court directed the petitioner to effect paper publication and the same was also effected and thereafter no any objection was received from any party. Thereafter, the case was posted for examination of witnesses and the evidence also was recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P13 were marked. The original Registered Will dated 12.08.1976 has been marked as Ex.P.2. PW1 is the petitioner. PW2 is the attesting witness.

4. PW2 has categorically deposed about the execution of the Will and attestation. Therefore, the execution of the Will and attestation are duly proved in accordance with law. There is no any rival claim against the Will. The available evidences amply proved the execution and attestation of the Will. Therefore, the petitioner has proved the Will in the manner known to

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law and he is entitled to the relief as prayed for in the petition. The

respondent has also filed a consent affidavit to grant Letters of Administration in favour of the petitioner.

5. Therefore, this Original Petition is *allowed* and Letter of Administration, in respect of the Will and Testament dated 12.08.1976 executed by the testatrix Mrs. E. Pattammal (deceased) W/o. A. Elumalai Naicker in favour of the petitioner, is granted.

6. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a **security bond** for a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand only)** in favour of the **Assistant Registrar (O.S.II), High Court, Madras**. The petitioner is further directed to render true and correct accounts once in a year.

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Index : Yes/No
Speaking Order : Yes/No
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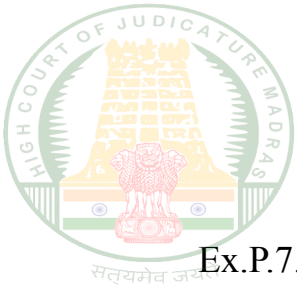
List of Petitioner side Witnesses:

PW1 : Mrs. D. Mahalakshmi
PW2 : Mrs. K. Vazanthi

List of Petitioner side Documents:

Ex.P.1. : Photocopy of the Sale Deed dated 19.10.1943.
Ex.P.2. : Original Will and Testament executed by Late Mrs. E. Pattammal dated 12.08.1976.
Ex.P.3. : Computer generated copy of the Death Certificate of E. Pattammal [Date of Death: 30.08.1980]
Ex.P.4. : Computer generated copy of the Death Certificate of E. Gopalakrishnan [Date of Death : 06.02.2001].
Ex.P.5. : Computer generated copy of the Death Certificate of Mrs S. Saraswathi [Date of Death: 23.12.2003]
Ex.P.6. : Photocopy of the Death Certificate of Mr. E. Gnanasekaran [date of Death: 14.10.1993].

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Ex.P.7. : Photocopy of the Aadhar Card of the petitioner.

Ex.P.8. : Original Legal Heirship Certificate of A. Elumalai Naicker dated 04.02.2004.

Ex.P.9. : Photocopy of the gas bill of the tenant.

Ex.P.10. : Affidavit of Assets wherein the net value Rs.45,00,000/-

Ex.P.11. : One issue of paper publication in English Daily "Trinity Mirror" dated 10.01.2025.

Ex.P.12. : One Issue of paper publication in Tamil Daily "Makkal Kural" dated 03.01.2025.

Ex.P.13. : Photocopy of the Aadhar card of the petitioner.



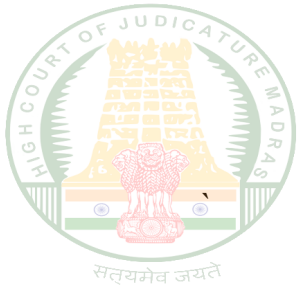
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