



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.04.2025**

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

O.P.No.792 of 2023

1.Mrs.Kalavathi
2.Mrs.Amutha
3.Selvi C.Dharshini (Minor)

...Petitioners

vs.

1.Mrs.Kalaiselvi
2.N.Saraswathi
3.Indumathi
4.N.Anand
5.N.Sangeetha
6.S.Pushpalatha
7.S.Lokeshwar
8.Mrs.Kanchana

...Respondents

PRAYER: Original Petition filed under Section 232, 246 and 276 of the Indian Succession Act XXXIX of 1925 read with Under Order XXV Rule 5 of Original Side Rules, praying that Letters of Administration with the Will dated the 1st day of March 2021, annexed of the properties and credits of the deceased, may be granted to the 1st and 2nd petitioners as life interest vested and to the 2nd petitioner as the natural guardian of the 3rd petitioner (Minor) as beneficiary under the Will of the deceased and for the use and benefits of the minor till she attains the age of majority to have effect limited to the State of Tamil Nadu.



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For Petitioner : Mr.M.Shanmugavelu
For Respondent : No appearance of R1 to R8

ORDER

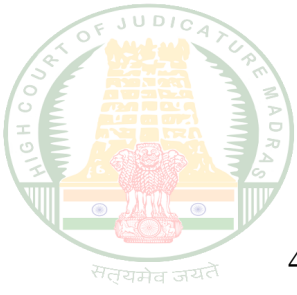
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 01.03.2021 executed by Late.Mr.M.Lingesan, who died on 02.05.2021. The first petitioner is the elder sister of the testator, the 2nd petitioner is the younger daughter of the 1st petitioner and the 3rd petitioner is the minor who is the daughter of the 2nd petitioner and the granddaughter of the 1st petitioner. The 1st and 8th respondents are the other sisters of the testator, the respondents 2 to 5 are the legal heirs of the Late.Mr.M.Namasivayam who is the brother of the testator and the 6th and 7th respondents are the legal heirs of the Late.Mr.M.Sivanesan who is the another brother of the testator. The petitioner submits that the testator was married to the eldest daughter of the 1st petitioner but the marriage fell through and the couple is estranged, the testator did not have any issues in the duration of marriage. The testator executed a will on 01.03.2021. The properties mentioned in the schedule of the Will were absolutely owned by the testator. The testator had bequeathed the properties in the schedule of the Will with life interest infavour of the 1st



and 2nd petitioner and absolutely infavour of the 3rd petitioner. The petitioners are the only beneficiaries under the said will. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The first petitioner has examined herself as PW1. She has produced the original will and testament dated 02.03.2005 as Ex.P1. The computer generated death certificates of the Testator and Late.Mr.N.Namasivayam have been marked as Ex.P4 and Ex.P5. The birth certificate of the 3rd petitioner is marked as Ex.P6. The service of notice has been completed upon the respondents 1, 2, 4, 7 and 8 and the service upon rest of the respondents 3, 5 and 6 have been completed by the way of substituted service by paper publication which was allowed under the order dated 26.09.2024 for Application No.4378 of 2024. Inspite of the service being competed the respondents chose to keep themselves away from the proceedings.

3. The petitioner has examined Mr.Amirthalingam who is the second attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator and its attestation by him and the first attestator and has marked his affidavit as Ex.P11.



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4. 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.

5. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners, in respect of the Will dated 01.03.2021 of the testator Late.Mr.M.Lingesan. The petitioners are 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 petitioners are 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.Kalavathi

P.W.2 – Mr.V.Amirthalingam

Documents exhibited by the petitioner:



Exhibits	Documents
Ex.P1	Original Will executed by the deceased M.Lingesan dated 01.03.2021.
Ex.P2	Photocopy of the registered sale document of the property dated 16.08.2007.
Ex.P3	Certified copy of the registered sale deed dated 21.10.2011.
Ex.P4	Computer generated copy of the death certificate of M.Lingesan died on 02.05.2021.
Ex.P5	Computer generated copy of the death certificate of N.Namasivayam died on 03.04.2022.
Ex.P6	Photocopy of the birth certificate of the 3 rd petitioner, Selvi C.Dharshini issued on 27.07.2009.
Ex.P7	One issue of the general paper publication in Tamil Daily "Makkalkural" dated 05.02.2025.
Ex.P8	One issue of the general paper publication in English Daily "Trinity Mirror" dated 12.02.2025.
Ex.P9	One issue of the general paper publication in Tamil Daily "Malai Malar" dated 16.10.2024.
Ex.P10	Affidavit of assets wherein the net value of the estate is Rs.24,80,000/-
Ex.P11	Affidavit.
Ex.P12	Photocopy of the Aadhar card of the 2 nd attesting witness is marked as Ex.P12.

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