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O.P.No.11 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.04.2025**

CORAM

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

O.P.No.11 of 2022

Mrs.Divya Hari Kannan

...Petitioner

VS.

1.C.P.Pavithran

2.C.P.Sri Rajan

...Respondents

PRAYER: Original Petition filed under Section 232, 255 & 276 of the Succession Act XXXIX of 1925 and Order XXV Rule 5 of O.S. Rules, prays that this Hon'ble Court may be pleased to grant letters of administration of the will annexed to the petitioner as the foster daughter/legatee under the will of the said deceased having effect through the State of TamilNadu limited to the properties mentioned in the affidavit of assets.

For Petitioner : Mr.C.Rajan

For Respondents : No appearance

ORDER

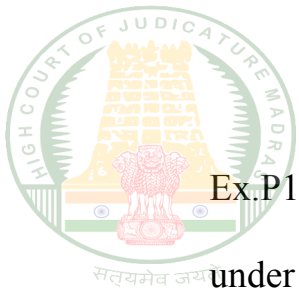
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 23.11.2007 executed by



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Late.Mr.C.P.Srinivasan, who died as a bachelor on 06.12.2014. The petitioner submits that she is the foster daughter of testator who originally is the daughter of the testator's cousin brother M.Surendran. The petitioner further submits that the said property was purchased by the testator under the sale deed dated 07.03.1995. The first and the second respondents are the brothers of the testator. The petitioners seek issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

2. The petitioner has examined herself as PW1. She has produced certified copy of the registered Will dated 23.11.2007 as Ex.P1. The computer generated death certificate of the testator has been marked as Ex.P2. The first and second respondents have given their consent to grant the letters of administration in favour of the petitioner through their consent affidavits which has been filed along with the petition. The service of notices on both the respondents has been completed through the substituted service by paper publication which was allowed by order in application A.No.81/2023 dated 06.01.2023. The certified copy of the sale deed of the property dated 07.03.1995 has been marked as Ex.P3. On perusal of the



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Ex.P1 it can be deduced that the petitioner is the sole beneficiary named under the said Will. The paper publications had been made which are marked as Ex.P4 and Ex.P5, no objections has been received for the same.

3. The petitioner has examined Mr.P.Sukumar, who is the first 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 second attesting Witness and has marked his affidavit as Ex.P7.

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 23.11.2007 executed by Late.Mr.C.P.Srinivasan. 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

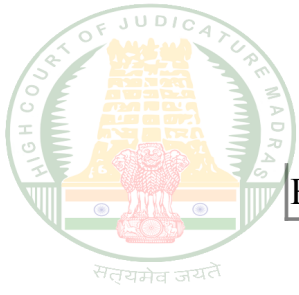
Petitioner's witness:

P.W.1 – Mrs.Divya Hari Kannan

P.W.2 – Mr.P.Sukumar

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original registered Will dated 23.11.2007 executed by Mr.C.P.Srinivasan.
Ex.P2	Computer generated death certificate of Mr.C.P.Srinivasan along with certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P3	Certified copy of the sale deed dated 07.03.1995 executed by Mr.Sankara Narasimhan and another in favour of Mr.C.P.Srinivasan (Witness states that the original is mortgaged with the bank. This document is marked subject to its proof and relevancy)
Ex.P4	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 20.05.2023.
Ex.P5	Copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 27.05.2023.
Ex.P6	Photocopy of Aadhar Card (Compared with the original)



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Ex.P7

Affidavit.

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K.KUMARESH BABU, J.

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