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O.P.No.679 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.679 of 2023

Kishore K.Mirpuri

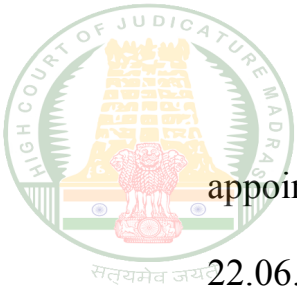
...Petitioner

PRAYER: Original Petition filed under Section 232 & 276 of Indian Succession Act (Act XXXIX of 1925) read with Order XXV Rule 5 of O.S.Rules, 1956, prays that Letters of Administration with the Will annexed may be granted to him as the Aunt son of the said deceased having effect throughout limited to the State of Tamil Nadu be granted to him.

For Petitioner : M/s.T.Sureka

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 06.12.2007 executed by late.Pushpa Kishinchand Lalwani, who died on 05.01.2023. The petitioner is the cousin of the testatrix through her maternal aunt. The testatrix was a spinster and had no legal heirs and her parents predeceased her. The petitioner is the only beneficiaries under the said will. Though the testatrix

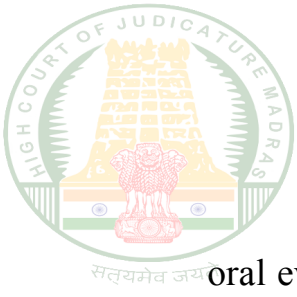


appointed Mr.Vashi K.Mirpuri, another cousin as executor, he had died on 22.06.2002. Hence, the petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

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2. The power of attorney agent of the petitioner has examined herself as PW1. She has produced the Original Registered Will and testament dated 06.12.2007 as Ex.P1. The computer generated death certificate of testatrix as Ex.P2. The photocopy of the Power of Attorney executed by the petitioner in favour of his agent as Ex.P4. On perusal of Ex.P1, the testatrix had bequeathed her property in favour of her cousin who born through the maternal aunt. The paper publications were made and marked as Ex.P6 and Ex.P7. No objection was received from any person.

3. The petitioner has examined Mr.Mahesh B.Jethwani, who is the second attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testatrix and its attestation by him and has marked his affidavit as Ex.P9.



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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 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 06.12.2007 of the testatrix late.Pushpa Kishinchand Lalwani. 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 – Ms.Yazhilini

P.W.2 – Mr.Mahesh B.Jethwani



Documents exhibited by the petitioners:

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Exhibits	Documents
Ex.P1	Original registered Will dated 06.12.2007 executed by Ms.Pushpa Kishinchand Lalwani.
Ex.P2	Computer generated death certificate of Mrs.K.Pushpa.
Ex.P3	Downloaded copy of the property tax status in respect of the property owned by Mrs.K.Pushpa.
Ex.P4	Photocopy of the Power of Attorney dated 29.07.2024 executed by the petitioner in my favour (Compared with the original)
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.26,64,500/-
Ex.P6	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 16.01.2024.
Ex.P7	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 21.01.2024.
Ex.P8	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P9	My affidavit.
Ex.P10	Photocopy of my Aadhaar Card (Compared with the original)

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