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O.P.No.225 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.02.2025**

CORAM

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

O.P.No.225 of 2024

1.T.A.Thirumalai
2.T.A.Alagar

...Petitioners

VS.

1.T.A.Srinivasan
2.T.A.Venkatachari

...Respondents

PRAYER: Original Petition filed under Section 232 & 276 of Indian Succession Act (Act No.39 of 1925) and Order XXV Rule 5 of O.S. Rules, prays that the Letters of Administration with the Will annexed may be granted to the petitioners as the sons/legatees under the Will of the deceased, having effect limited to the State of Tamilnadu.

For Petitioners : Mr.D.Rajagopal

For Respondents : Mr.D.Selvakumar
(For R1 & R2)

ORDER

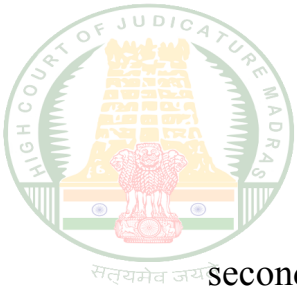
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 11.09.1991 executed by late.S.Appan Thirumalachariar, who died on 17.01.1992. The petitioners and



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the respondents are the sons of the testator and the only surviving legal heirs of the testator. The testator's wife, his daughter and son-in-law died. The daughter of the testator died issueless. The petitioners are the only beneficiaries under the said will. The testator has not appointed an executor under the 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 as PW1. He has produced the death certificates of the Testator, testator's wife, his daughter and son-in-law as Ex.P4, Ex.P6, Ex.P7 and Ex.P8. The original unregistered will and testament dated 11.09.1991 as Ex.P3. The legal heir certificate of the testator as Ex.P5. On perusal of the Ex.P5, it clearly exhibits that the testator had a wife, a daughter and four sons who are the petitioners and the respondents herein as his surviving legal heirs. The wife, daughter and son-in-law of the testator died and the petitioners and the respondents are the only surviving legal heirs of the testator late.S.Appan Thirumalachariar . The paper publications were made and marked as Ex.P10 and Ex.P11. Objections have not been received from any persons.



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3. The petitioner has examined Mr.Sampath Srinivasan, 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 has marked his affidavit as Ex.P13.

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 11.09.1991 of the testator late.S.Appan Thirumalachariar. 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 - Mr.T.A.Thirumalai

P.W.2 – Mr.Sampath Srinivasan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the sale deed dated 29.06.1974 executed in favour of Mr.S.Appan Thirumalachariar (Compared with the original)
Ex.P2	Photocopy of the sale deed dated 29.06.1974 executed in favour of Mr.S.Appan Thirumalachariar (Compared with the original)
Ex.P3	Original unregistered Will dated 11.09.1991 executed by Mr.S.Appan Thirumalachariar.
Ex.P4	Original death certificate of Mr.S.Appan Thirumalachariar.
Ex.P5	Photocopy of the legal heir ship certificate of Mr.S.Appan Thirumalachariar (Compared with the original)
Ex.P6	Original death certificate of Mrs.S.Chellammal.
Ex.P7	Computer generated death certificate of Mrs.A.V.Janaki.
Ex.P8	Computer generated death certificate of Mr.A.V.Srinivasan.
Ex.P9	Affidavit of assets showing the net value of the estate as Rs.53,00,000/-
Ex.P10	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 11.07.2024.
Ex.P11	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 18.07.2024.
Ex.P12	Affidavit under Section 65 B of the Indian Evidence Act, 1872.
Ex.P13	My affidavit.
Ex.P14	Photocopy of my Aadhaar Card (Compared with the original)

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