



O.P.No.632 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2024

CORAM:

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

O.P.No.632 of 2023

1. Malini Viswanath
W/o.Shri.P.Viswanath,
Residing at Villa No.22,
Saket Swarna, Saket Colony,
Kapra, Kushaiguda,
Secunderabad - 500 062.

... Petitioner

..Vs..

1. Meena Narayanaswamy and Another
W/o.Late K.Narayanaswamy, Residing at B-74, Officers Colony,
R.K.Puram, Thirumalagiri, Hyderabad - 500 056.

2.Sowmini Srinivas
W/o.Dr.Srinivas, Residing at No.B-74, Officers Colony, R.K.Puram,
Thirumalagiri, Hyderabad - 500 056.

... Respondent

Prayer:

That Letters of Administration, with the Will dt.15/05/2018 annexed may be granted to her as the daughter/legatee under said Will of the deceased having effect throughout the State of Tamil Nadu.



O.P.No.632 of 2023

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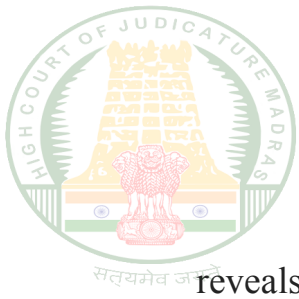
For Petitioner : Mr.D.Mukundan

ORDER

This Original Petition has been filed by the petitioner, seeking for issuance of the Letters of Administration in respect of the Will dated 15.05.2018 executed by late.K.Narayanaswamy, who died on 08.06.2022.

2. The petitioner and the second respondent are the daughters and the first respondent is the wife of the testator. The petitioner is the only beneficiary under the said will. The petitioner submitted that when she tried to apply for heirship certificate, she had been informed that no such certificate is being issued by the authority in Hyberabad where the testator died. The testator has not appointed an executor under the Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this court.

3. The petitioner has examined herself as PW1. She has produced the death certificate of the Testator as Ex.P2. The original unregistered Will and testament dated 15.05.2018 as Ex.P1. On perusal of the Ex.P1, it



O.P.No.632 of 2023

WEB COPY

reveals that the testator stated that he had two daughters and bequeathed his property in favour of one daughter who is the petitioner herein. Paper publications were made and the same are marked as Ex.P6 and Ex.P7, wherein, it is stated that the petitioner and the respondents are the only surviving legal heirs of the testator. Objections have not been received from any persons. The respondents in spite of service of notice on them, had kept themselves away from the proceedings.

4. The petitioner has examined Mr.P.Niranjan, 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.P8.

5. 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.

6. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the



O.P.No.632 of 2023

WEB COPY

petitioner, in respect of the Will dated 15.05.2018 of the testator late K.Narayanaswamy. 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.

Dn

25.02.2025

Index: Yes/No

Internet: Yes/No

Speaking: Yes/No

Neutral Citation: Yes/No

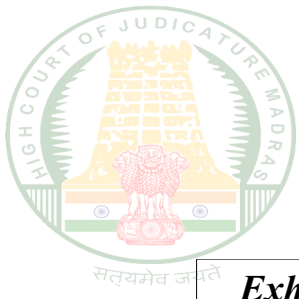
Petitioner's Witness:

PW.1 - Mrs.Malini Viswanath

PW.2 - Mr.P.Niranjan

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered Will dated 15.05.2018 executed by Mr.K.Narayanaswamy.
Ex.P2	Computer generated death certificate of Mr.K.Narayana Swamy.
Ex.P3	Photocopy of the sale deed dated 14.09.1989 executed in favour of Mr.K.Narayanaswamy (Compared with the original).



O.P.No.632 of 2023

<i>Exhibits</i>	<i>Documents</i>
Ex.P4	Affidavit under Section 65 B of the Indian Evidence Act, 1872.
Ex.P5	Affidavit of assets showing the net value of the estate as Rs.43,00,000/-.
Ex.P6	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 18.06.2024
Ex.P7	Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 26.06.2024.
Ex.P8	Affidavit of PW.2 Mr.P.Niranjan
Ex.P9	Photocopy of Aadhaar Card of PW.2

Dn

25.02.2025

To

1.Meena Narayanaswamy
W/o.Late K.Narayanaswamy,
Residing at B-74, Officers Colony,
R.K.Puram, Thirumalagiri,
Hyderabad - 500 056.

2.Sowmini Srinivas
W/o.Dr.Srinivas,
Residing at No.B-74, Officers Colony,
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O.P.No.632 of 2023

K.KUMARESH BABU, J.

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O.P.No.632 of 2023

25.02.2025