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O.P. No.776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.776 of 2024

K.A. Pushpakumar S/o. Ayyappan

... Petitioner

PRAYER: Original Petition is filed under Section 232 and 276 of the Indian Succession Act of 1925 read with Order XXV Rule 5 of the Original Side Rules praying to grant letters of Administration with the Will dated 01.02.2010 annexed, to the petitioner as the brother / beneficiary under the Will of the said deceased Miss. K.A. Karthiayani D/o. Mr. K. Ayyappan having effect through out the State of Tamil Nadu.

For Petitioners : Mr. K. Thenrajan

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration with the Will annexed, to



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the petition as the brother / beneficiary under the Will of the said deceased

having effect through out the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioner to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected by mentioning the hearing date on 01.07.2025 and thereafter no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence also was recorded. On the side of the petitioner, PW1 and PW2 were examined and Ex.P.1 to Ex.P.8 were marked and Ex.C.1 and Ex.C.2 were also marked.

3. PW1 is the petitioner and he is the brother of the testatrix. PW2 is the attesting witness of the Will and PW2 has categorically deposed about the execution of the Will and attestation. Therefore, the execution of the Will and attestation are duly proved in accordance with law. There is no any rival claim against the Will. The available evidences amply proved the execution

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and attestation of the Will. Therefore, the petitioner has proved the Will in the

manner known to law and he is entitled to the relief as prayed for in the petition.

4. Therefore, this Original Petition is *allowed* and Letter of Administration, in respect of the Will and Testament dated 01.02.2010 executed by Miss. K.A. Karthiayani (deceased) D/o. Mr. K. Ayyappan in favour of the petitioner, is granted.

5. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a **security bond** for a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand only)** in favour of the **Assistant Registrar (O.S.II), High Court, Madras**. The petitioner is further directed to render true and correct accounts once in a year.

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Index : Yes/No
Speaking Order : Yes/No
mjs

List of Petitioner side Witnesses:

PW1 : Mr. K.A. Pushpakumar
PW2 : Mr. K.P. Sai Kishore

List of Petitioner side Documents:

Ex.P.1. : Online copy of the Death Certificate of
K. Ayyappan dated 21.09.2023. (Date of Death :
07.10.1991).
Ex.P.2. : Online copy of the Death Certificate of
Ammamammal dated 21.09.2023. (Date of Death :
01.03.2007).
Ex.P.3. : Photocopy of the Sale deed in Doc. No.4873/1987
dated 07.12.1987.
Ex.P.4. : Photocopy of the Sale deed in Doc. No.2203/2003
dated 09.06.2003.
Ex.P.5. : Original Registered Will executed by Ms. K.A.

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Karthiayani dated 01.02.2010.

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Ex.P.6. : Online copy of the Death Certificate of Miss. K.A. Karthiayani (date of death 17.02.2015) dated 21.09.2023.

Ex.P.7. : Online copy of the Legal Heirship Certificate of K.A. Karthiayani dated 29.07.2023.

Ex.P.8. : Photocopy of the Aadhar card of the petitioner K.A. Pushpakumar .

List of Court Documents:

Ex.C.1 : Paper publication in English Journal 'Trinity Mirror' dated 31.05.2025.

Ex.C.2 : Paper publication in Tamil Journal 'Makkal Kural' dated 08.06.2025.



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