



O.P. No.376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM :

**THE HONOURABLE MR.JUSTICE P.DHANABAL**

**O.P. No.376 of 2024**

Manjari Agarwal

... Petitioner

Vs

Rekha Sutwala

... Respondent

**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 to the Will annexed with the petition, as daughter / beneficiary of the deceased having effect through out the Union of India.

For Petitioner : Mrs. Harsha Raj  
for M/s. Raj and Raj Associates

For Respondent : Notice served – no appearance.

**ORDER**

This petition has been filed under Section 232 and 276 of the Indian



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Succession Act to grant Letters of Administration to the petitioner to the estates and credits of the deceased having effect through out the Union of India.

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 and there is no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence was also recorded. On the side of the petitioners, PW1 and PW2 were examined and Ex.P.1 to Ex.P.10 were marked.

3. According to the petitioner, the petitioner and the respondent are the daughter of the deceased Urmila Devi Chokhani. The deceased Urmila Devi Chokhani died on 03.11.2022 at Hyderabad leaving behind her daughters, the petitioner and the respondent herein. She has possessed immovable and movable properties in Chennai, within the jurisdiction of this Court. The last Will and testament was executed by the deceased on 29.03.2018. The testator

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had purchased a Flat bearing No.A in VII Floor together with two earmarked open car parks, at Municipal Corporation Door No.7A, Coromandel Towers, No.816 & 817, Poonamallee High Road, Kilpauk together with 511 sq. ft. undivided share in the land of an extent of 8 grounds and 1569 sq. ft. comprised in Survey No.154/83 (3 grounds and 2336 sq. ft.) Survey No.154/82 (4 grounds and 1639 sq. ft.) Egmore Revenue Division, Egmore – Nungambakkam Taluk, Chennai by way of a Sale Deed 19.10.2005 for a consideration of Rs.36 lakhs, which was paid by the testator and her younger daughter in the ration 95:5. The younger daughter of the deceased, Rekha Sutwala has settled her share of 5% in the property to her daughter namely Rishika Sutwala vide a Settlement Deed dated 11.03.2015. The settlee, sold his settled 5% share in the property to the petitioner vide a Sale Deed dated 28.02.2020 for a consideration of Rs.10 lakhs. The petitioner and the respondent are the only surviving legal heirs and there is no other next of kin to the deceased.



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4. The petitioner, as an elder daughter of the deceased, claims the right to the share of her estate as per the Will, for the entitlement to the entire share of the property of the deceased in favour of the petitioner. The total value of the assets would come around Rs.39,23,354/-.

5. The petitioner herein, was examined as PW1. She has stated in her proof affidavit that she is the elder daughter of the deceased Urmila Devi Chokhani and reiterated the petition averments. A perusal of evidence of PW1 and Ex.P.1 to Ex.P.10 revealed that the petitioner and the respondent are the legal heirs of the deceased and no any objection has been raised either by the respondent or any other party to grant letter of administration to the petitioner. Despite service of notice, the respondent did not appear before the Court. PW2 is Mr. Kashatti Ravi, one of the attesting witnesses. He has deposed that he knows the deceased and he signed as first attesting witness in the Will executed by the deceased. The petitioner, through the evidences and documents, has amply proved the execution of Will. Therefore, the petitioner

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is entitled to the relief as prayed for in the petition.

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6. Therefore, this Original Petition is *allowed* and Letter of Administration, to the estates and credits of the deceased Urmila Devo Chokhani in favour of the petitioner, is granted.

7. 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/- (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

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**APPENDIX:**

**List of Petitioner side Witnesses:**

PW1 : Mrs. Manjari Agarwal

PW2 : Mr. Kashatti Ravi Chandra

**List of Petitioner side Documents:**

| <b>Exhibit No.</b> | <b>Date</b> | <b>Description of Documents.</b>                                                                                                                                            |
|--------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P.1.            | 19.10.2005  | Photocopy of the Sale Deed registered as Doc. No.2405 of 2005 at the office of IN THE OFFICE OF SUB-REGISTRAR, Periamet.                                                    |
| Ex.P.2             | 11.03.2015  | Photocopy of the Settlement Deed registered as Doc. No.667 of 2015 at the office of IN THE OFFICE OF SUB-REGISTRAR, Periamet.                                               |
| Ex.P.3             | 29.03.2018  | Original Will dated 29.03.2018 registered as Doc. No.78 of 2018 executed by Urmila Devi Chokhani in favour of Mrs. Manjari Agarwal at the Office of Registrar of Hyderabad. |



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|               |                              |                                                                                                               |
|---------------|------------------------------|---------------------------------------------------------------------------------------------------------------|
| Ex.P.4.       | 28.02.2020                   | Photocopy of the Sale Deed executed by Ms. Rishika Sutwala in favour of the Ms. Manjari Agarwal.              |
| Ex.P.5        | 10.11.2022                   | Photocopy of the Death Certificate of Mrs. Urmila Devi Chokhani.                                              |
| Ex.P.6        | 25.12.2022                   | Photocopy of the Legal Heirship Certificate of Mrs. Urmila Devi Chokhani                                      |
| Ex.P.7        | 13.03.2022                   | Photocopy of the Encumbrance Certificate.                                                                     |
| Ex.P.8 series | 02.04.2014                   | Photocopies of Chokhani investments Limited share certificates (17 nos) in the name of Mrs. Urmila Chokhani   |
| Ex.P.9        | 27.05.2025 and<br>04.06.2025 | Copy of the paper publications issued Tamil Daily “Dinakural” and English Daily “Southern Mail” respectively. |
| Ex.P.10       | -                            | Photocopy of the Aadhar Card of the attesting witness, PW2.                                                   |

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**P.DHANABAL.,J**



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