



WEB COPY

O.P.No.138 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.03.2025**

CORAM

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

**O.P.No.138 of 2024**

Dr.Mrs.R.Nitya

...Petitioner

**PRAYER:** Original Petition filed under Section 232 and 276 of Indian Succession Act 1925 read with Order XXV, Rule-5 of O.S.Rules for Grant of Letters of Administration, prays that this Hon'ble Court may be pleased to:-

a) Grant the Letters of Administration with the Last Will and Testament of Late Mrs.S.Mahalakshmi dated 25.06.2021, annexed may be granted to the petitioner as sole beneficiary/Legatee under the Will of the said deceased having effect throughout the State of Tamilnadu.

b) for such other relief as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Umapathy

**ORDER**

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 25.06.2021 executed by late.S.Mahalakshmi, who died on 17.12.2021. The petitioner is the niece of the testatrix. The husband of the testatrix predeceased her. The petitioner is

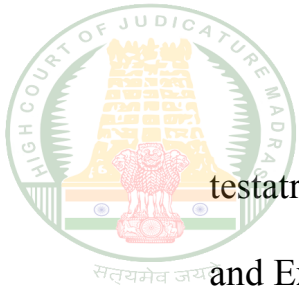


WEB COPY

the only beneficiary under the said will. The testatrix 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.

2. The petitioner has examined herself as PW1. She has produced the original Unregistered Will and testament dated 25.06.2021, wherein the testatrix bequeathed her property to her niece who is the petitioner herein. The death certificate of the testatrix and her husband as Ex.P3 and Ex.P4. The paper publication have been made and marked as Ex.P7 and Ex.P8, wherein it is stated that the petitioner is the only surviving legal heir of the testatrix. No objections have been received from any person. The supporting affidavits of the Dr.Dharma Chatterji and Dr.Santa Ramachandran who are the sisters of the testatrix living in USA as Ex.P14 and Ex.15, wherein they consented to grant letter of administration in favour of the petitioner.

3. The petitioner has examined Mr.R.Sundar and Mrs.Radha Sundar who are the attesting witnesses to the said Will as PW3 and PW2 respectively. They have spoken about the execution of the Will by the



testatrix and its attestation by them and have marked their affidavit as Ex.P12 and Ex.P10.

WEB COPY

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 25.06.2021 of the testatrix late.S.Mahalakshmi. 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.

**07.03.2025**

kak



Index :Yes/No

**Petitioner's witness:**

P.W.1 - Dr.Mrs.R.Nitya

P.W.2 – Mrs.Radha Sundar

P.W.3 – Mr.R.Sundar

**Documents exhibited by the petitioners:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                                            |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                  | Original Unregistered Will dated 25.06.2021 executed by Mrs.S.Mahalakshmi.                                                         |
| Ex.P2                  | Photocopy of the Sale Deed dated 30.04.1986 executed in favour of Mahalakshmi Surya Nandan and others (Compared with the original) |
| Ex.P3                  | Photocopy of the death certificate of Mrs.S.Mahalakshmi.                                                                           |
| Ex.P4                  | Photocopy of the death certificate of Mr.P.R.Suryanandan. (Compared with original)                                                 |
| Ex.P5                  | Photocopy of my Aadhar Card (Compared with the original)                                                                           |
| Ex.P6                  | Affidavit of Assets showing the net value of the Estate as Rs.30,00,000/-                                                          |
| Ex.P7                  | Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 12.06.2024.                            |
| Ex.P8                  | Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 20.06.2024.                                |
| Ex.P9                  | Certificate under Section 65 B of the Indian Evidence Act, 1872.                                                                   |
| Ex.P10                 | My affidavit as attesting witness.                                                                                                 |
| Ex.P11                 | Photocopy of my Aadhar Card (Compared with original)                                                                               |
| Ex.P12                 | My affidavit as attesting witness.                                                                                                 |
| Ex.P13                 | Photocopy of my Aadhar Card (Compared with original)                                                                               |
| Ex.P14                 | Original supporting affidavit given by Dr.Santa Ramachandran                                                                       |



WEB COPY

O.P.No.138 of



| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                                                                                                                                     |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | stating that she has no objection for granting Letters of Administration in my favour (Pursuant to the order dated 30.10.2024 passed by this Hon'ble High Court, this document is marked.)                                  |
| Ex.P15                 | Original supporting affidavit given by Dr.Dharma Chatterji stating that she has no objection for granting Letters of Administration in my favour (Pursuant to the order dated 30.10.2024 passed by this Hon'ble High Court) |

**07.03.2025**

kak



WEB COPY

O.P.No.138 of



**K.KUMARESH BABU,J.**

kak

**O.P.No.138 of 2024**

**07.03.2025**