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O.P.No.291 of 2024

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 16.09.2025

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

O.P.No.291 of 2024

Mrs.Ammani Ammal

...Petitioner

Vs.

1.Mrs.Premalatha
2.Dr.Radha Saraswathy
3.T.Gowthaman

... Respondents

Prayer:- Original Petition is filed under Sections 232 and 276 of the Indian Succession Act, 1925, read with Order XXV, Rule 5 of the Madras High Court Original Side Rules, praying to grant Letters of Administration in favour of the petitioner as the beneficiary under Will dated 02.05.2019 executed by Mr.K.M.Marimuthu.

For Petitioner : Mr.S.Roshan

For R3 : Mr.S.Saran Prasad



O.P.No.291 of 2024

ORDER

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The petitioner has filed this petition under Sections 232 and 276 of the Indian Succession Act, 1925, seeking to grant Letters of Administration in respect of the Will dated 02.05.2019 executed by Mr.K.M.Marimuthu, who died on 27.01.2020.

2. After filing this petition, paper publication was effected. There is objector objecting to grant Letters of Administration in respect of the said Will dated 02.05.2019.

3. It is averred in the petition that the deceased K.M.Marimuthu executed a registered Will bearing Document No.16 of 2019, dated 02.05.2019, on the file of the office of the Sub-Registrar, Adayar. The said Will dated 02.05.2019 has been attested by two witnesses; one by name U.Gokulakrishnan, and another by name B.Pachaiyappan. The said deceased K.M.Marimuthu has not appointed any Executor to the Will dated 02.05.2019. He had only one legal heir, who is his wife/Sarojini, who died on 11.09.2020. The petitioner herein is the housemaid of the deceased K.M.Marimuthu.



O.P.No.291 of 2024

WEB COPY

4. Under the Will dated 02.05.2019, the petitioner is entitled to 1/3rd share; the first respondent/wife of the deceased's cousin is entitled to 1/3rd share; and out of the remaining 1/3rd share, the second respondent, who is the student of the said deceased is entitled to one-half of 1/3rd share, and third respondent/nephew of the deceased K.M.Marimuthu, is entitled to the remaining half of the 1/3rd share. After the demise of the deceased K.M.Marimuthu, the said Will dated 02.05.2019 has come into effect. However, since no executor was appointed, the petitioner has filed this petition seeking to grant Letters of Administration in respect of the said Will dated 02.05.2019.

5. The petitioner herself was examined as P.W.1 and marked Exs.P1 to P9. One of the attesting witnesses by name U.Gokulakrishnan was examined as P.W.2 and he had filed two documents and the same were marked as Exs.P10 and P11. The third respondent has filed consent affidavit for grant of Letters of Administration in respect of the said Will dated 02.05.2019. Although the respondents 1 and 2 have received the notice, they did not appear.



O.P.No.291 of 2024

WEB COPY

6. Ex.P1 is the original Will dated 02.05.2019 executed by the deceased K.M.Marimuthu; Ex.P2 is the death certificate of the deceased K.M.Marimuthu; Ex.P3 is the passbook of savings account held in State Bank of India, Thiruvannamipur Branch; Ex.P4 is the photocopy of the savings account held in Indian Overseas Bank, Indira Nagar Branch; Ex.P5 is the photocopy of the savings account held in Lakshmi Vilas Bank, Adyar Branch; Ex.P6 is the photocopy of the Fixed Deposit account held in Lakshmi Vilas Bank, Adyar Branch; Ex.P7 is the affidavit of assets showing the net value of Rs.26,58,082/-; and Exs.P8&P9 are the paper publication effected in English daily “Trinity Mirror” dated 02.08.2025 and Tamil Daily “Makkal Kural” dated 26.07.2025 respectively.

7. P.W.2-U.Gokulakrishnan, one of the attesting witnesses of the Will dated 02.05.2019, deposed that on the date of executing the said Will, he, along with Pachaiyappan, the other attesting witness, saw the testator/K.M.Marimuthu affixing his signature in the said Will dated 02.05.2019, and on the said date, the testator was in a sound state of



O.P.No.291 of 2024

WEB COPY

8. In view of the aforesaid facts and circumstances of the case, this Court is of the view that the petitioner has proved the execution and attestation of the Will dated 02.05.2019. Accordingly, this petition is allowed in the following manner:-

(a) Issue Letters of Administration in favour of the petitioner in accordance with the Rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu.

(b) The petitioner is directed to execute a security bond for a sum of Rs.25,000/- in the name of the Assistant Registrar (Original Side) of this Court.

(c) The petitioner is further directed to render true and correct accounts once in a year.

16.09.2025

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Index:yes/no

Neutral Citation: yes/no



O.P.No.291 of 2024

Petitioner's witness:

P.W.1 – Mrs.Ammani Ammal @ Ammaiymmal

P.W.2 – Mr.U.Gokulakrishnan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 02.05.2019 executed by the deceased K.M.Marimuthu
Ex.P2	Death certificate of the deceased K.M.Marimuthu.
Ex.P3	Photocopy of the passbook of savings account held in State Bank of India, Thiruvannamipur Branch.
Ex.P4	Photocopy of the savings account held in Indian Overseas Bank, Indira Nagar Branch.
Ex.P5	Photocopy of the savings account held in Lakshmi Vilas Bank, Adyar Branch.
Ex.P6	Photocopy of the Fixed Deposit account held in Lakshmi Vilas Bank, Adyar Branch.
Ex.P7	Affidavit of assets showing the net value of Rs.26,58,082/-.
Exs.P8 & P9	Paper publication effected in English daily “Trinity Mirror” dated 02.08.2025 and Tamil Daily “Makkal Kural” dated 26.07.2025 respectively.
Ex.P10	Affidavit of U.Gokulakrishnan
Ex.P11	Aadhar card of U.Gokulakrishnan

16.09.2025

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WEB COPY



O.P.No.291 of 2024

P.DHANABAL, J.

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O.P.No.291 of 2024

16.09.2025