



O.P.No.215 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.03.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.215 of 2024

Smt.M.Meiyammai

...Petitioner

VS.

V.Saraswathi

...Respondent

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act read with Order XV Rule 5 of Original Side Rules, praying that Letters of Administration to the entire properties to the estate of the deceased with the Will annexed may be granted to the petitioner the daughter/beneficiary under the Will of the said deceased having effect throughout the State of Tamil Nadu and thus render justice.

For Petitioner : Mr.G.RM.Palaniappan

For Respondent : Mr.A.Durai Eswar

**ORDER**

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This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 04.08.2023 executed by late.RM.Arunachalam, who died on 08.08.2023. The petitioner is the daughter and the respondent is the granddaughter through his predeceased daughter and the only surviving legal heirs of the testator. The wife of the testator predeceased him. The deceased daughter of the testator's marriage was dissolved in H.M.O.P.No.33 of 2010 vide order dated 26.04.2010. The petitioner and the respondent are the only beneficiaries under the said 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 death certificates of the Testator and testator's daughter as Ex.P5 and Ex.P3. The original will and testament dated 04.08.2023 as Ex.P1. The legal heir certificate of the testator and his daughter as Ex.P6 and Ex.P4. On perusal of the Ex.P6, it clearly exhibits that the testator had a wife who had predeceased him and two daughters among one, who predeceased him and other is the petitioner herein. On perusal of Ex.P4, it shows that the daughter of the testator died leaving behind her husband, whose marriage got dissolved, her daughter who is the respondent herein and his father, who is the testator.

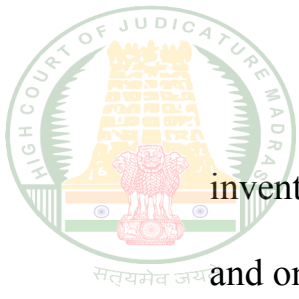


From the above observation, it can be inferred that the petitioner and the respondent are the only surviving legal heirs of the testator late.RM.Arunachalam. The respondent has examined herself as RW1. She has produced the consent affidavit as Ex.R2 to grant letters of administration in favour of the petitioner.

3. The petitioner has examined Mr.VE.A.VE.Muthiah, who is the first 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.P11.

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 04.08.2023 of the testator late.RM.Arunachalam. 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.

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07.03.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 - Mrs.M.Meiyammai

P.W.2 – Mr.VE.A.VE.Muthiah

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will dated 04.08.2023 executed by Mr.RM.Arunachalam.
Ex.P2	Photocopy of my Aadhar Card (Compared with the original)
Ex.P3	Computer generated death certificate of Mrs.V.Umayal.
Ex.P4	Computer generated legal heirship certificate of Mrs.V.Umayal.
Ex.P5	Computer generated death certificate of Mr.R.M.Arunachalam.
Ex.P6	Computer generated legal heirship certificate of Mr.Arunachalam.
Ex.P7	Affidavit under Section 65 B of the Indian Evidence Act, 1872.
Ex.P8	Affidavit of assets showing the net value of the estate as Rs.10,29,86,000/-
Ex.P9	Copy of the paper publication effected in one issue of Tamil daily “Malai Murasu” dated 26.09.2024.
Ex.P10	Copy of the paper publication effected in one issue of English daily “Trinity Mirror” dated 04.10.2024.
Ex.P11	My affidavit as attesting witness.
Ex.P12	Photocopy of my Aadhaar Card (Compared with the original)



O.P.No.215 of

Respondent's witness:

R.W.1 - Mrs.V.Saraswathi

Ex.R1	Photocopy of my Aadhar Card.
Ex.R2	My consent affidavit.

07.03.2025

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O.P.No.215 of

K.KUMARESH BABU,J.

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O.P.No.215 of 2024

07.03.2025