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O.P.No.115 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.04.2025**

CORAM

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

O.P.No.115 of 2024

P.Thamarai Selvi

...Petitioner

VS.

S.Manoharan

...Respondent

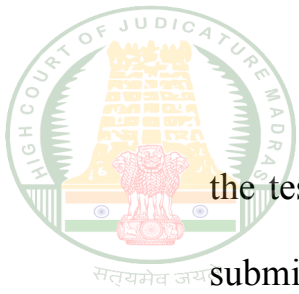
PRAYER: Original Petition filed under Section 232 and 276 of Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S. Rules, prays that the Letter of Administration with the Will annexed may be granted to her as the daughter and beneficiary under the Will of the said deceased having effect throughout the State of Tamil Nadu.

For Petitioner : Mr.S.Naveen Kumar

For Respondent : Mr.A.M.Krishnamoorthy

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 14.07.2004 executed by Late.S.Sundaram, who died on 26.12.2007. The petitioner is the daughter of



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the testator whereas the respondent is the son of the testator. The petitioner submits that the testator was married to one Late.Mrs.S.Bhuvaneshwari and has begotten the petitioner and the respondent as their children. The petitioner submits that the wife of the testator died on 05.08.2023, thereby leaving both the petitioner and the respondent as only the surviving legal heirs of the testator. The testator executed a Will dated 14.07.2004 where he had bestowed the life interest to his wife Late.Mrs.Bhuvaneshwari and has named the petitioner as the absolute beneficiary to the properties 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 original registered Will and Testament dated 14.07.2004. The computer generated death certificates of the Testator and testator's wife Late.Mrs.Bhuvaneshwari have been marked as Ex.P2 and Ex.P4. The legal heirship certificate of the testator has been marked as Ex.P3. The service of notice has been completed upon the respondent and the counsel of the respondent has reiterated the consent affidavit which expresses the consent of the respondent to grant the letter of administration in favour of the petitioner.



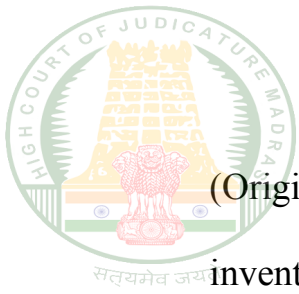
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From the perusal of Ex.P3 it is clear that the petitioner and the respondent are the only surviving legal heirs of the testator. The perusal of Ex.P1 makes it clear that the petitioner is the only beneficiary named under the said will. The general paper publications have been made which are marked as Ex.P7 and Ex.P8 and no objections were received for the same.

3. The petitioner has examined Mr.N.Vetrivel, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator, its attestation by him and as well as the second attesting witness and has marked his affidavit as Ex.P9.

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 14.07.2004 of the testator Late.S.Sundaram. 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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Index :Yes/No

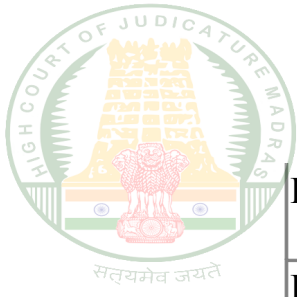
Petitioner's witness:

P.W.1 – Mrs.P.Thamarai

P.W.2 – Mr.N.Vetrivel

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Certified copy of the sale deed dated 14.09.2001 executed in favour of Mr.S.Sundaram.(Compared with the original)
Ex.P2	Computer generated death certificate of Mr.S.Sundaram along with certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P3	Computer generated legal heir ship certificate of Mr.S.Sundaram along with certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P4	Computer generated death certificate of Mrs.Bhuvaneswari along with certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P5	Original registered Will and Testament dated 14.07.2004 executed by Mr.S.Sundaram.
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.19,80,000/-
Ex.P7	Copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 15.06.2024.



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Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 22.06.2024.
Ex.P9	Affidavit.
Ex.P10	Photocopy of Aadhaar Card (Compared with the original)

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K.KUMARESH BABU, J.



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