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O.P.No.466 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.06.2025**

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

O.P.No.466 of 2024

Mrs.Kiran Devi Kothari

...Petitioner

VS.

Mr.Suresh Chand Kothari

...Respondent

PRAYER: Original Petition filed under Sections 232 and 276 of Indian Succession Act 39/195 and Order 25 Rule 5 of O.S.Rules, prays that Letters of Administration with the Will annexed may be granted to the petitioner being the sister-in-law of deceased, who is the sole beneficiary/legatee under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.K.G.Vasudevan

For Respondent : Mr.M.V.Prabakar

ORDER

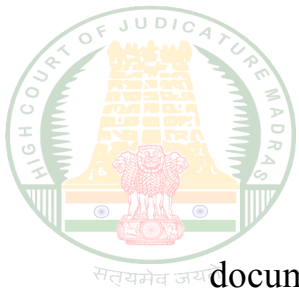
This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 10.08.2018 executed by Late Mrs.Dhapi Bai Kothari, who died on 12.07.2019. The petitioner is the co-sister of the testatrix and her husband, herein the respondent to this petition is the brother-in-law to the testatrix. The respondent is the brother of Late



Mr.Inder Chand Kothari, who is the predeceased husband of the testatrix.

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2. The petitioner submits that the testatrix got married to one Mr.Inder Chand Kothari who predeceased her on 29.01.2018, and the couple did not have any issues in the duration of their marriage. The petitioner submits that the testatrix along with her husband had purchased an immovable property described as Item No.1 in the schedule of the petition vide the Sale Deed dated 13.07.1992. After the death of her husband the testatrix inherited his share of the property as his sole legal heir, hence becoming the absolute owner of the immovable property. The petitioner submits that the testatrix before her death had executed a Will on 10.08.2018, which is registered as Document No.35 of 2018 in Periamet, SRO. In which she had bequeathed both the immovable and movable properties absolutely in favour of the petitioner, which are described in detail as Item No.1 and Item No.2 in the schedule of the petition. Hence the petitioner is the sole beneficiary named under the said will executed by the testatrix. Therefore the petitioner seeks issuance of Letters of Administration in respect of the properties situated within the jurisdiction of this Court.



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3. The petitioner has examined herself as PW1, she had marked 8 documents, listed as Ex.P1 to Ex.P6 and Ex.C1 to Ex.C3 in the foot of the order. She had produced the Original Will registered as Doc.No.35 of 2018 dated 10.08.2018 as Ex.P4. The death certificates of the testatrix and her husband Mr.Inder Chand Kothari were marked as Ex.P1 and Ex.P2. The legal heirship certificate of Mr.Inder Chand Kothari has been marked as Ex.P3. A perusal of Ex.P4 clearly demonstrates that the petitioner is the sole beneficiary named under the said Will. The perusal Ex.P3 further substantiates the claims made in the petition that the testatrix was the sole legal heir of her husband. The general paper publications had been effected which are marked as Ex.C1 and Ex.C2 and no objections were received for the same. The consent affidavit of the sole respondent expressing his consent to grant the Letters of administration in favour of the petitioner has been marked as Ex.C3. The service of notice has been completed upon the respondent and the learned counsel for the respondent who had appeared on behalf of him reiterated the consent affidavit.

4. The petitioner has examined Mr.Nemi Chand Surana and Mrs.Chandra Kala Surana who are the 1st and the 2nd attesting witnesses to the said Will as PW2 and PW3. They have spoken about the execution of the



Will by the testatrix and its attestation by them

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5. 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

6. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioners, in respect of the Will dated 10.08.2018 of the testatrix Late Mrs.Dhapi Bai Kothari. 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.Kiran Devi Kothari

P.W.2 – Mr.Nemi Chand Surana

P.W.3 – Mrs.Chandra Kala Surana



Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Online copy of death certificate of late Mrs.Dhapi Bai Kothari (Date of Death 12.07.2019) dated 27.07.2019.
Ex.P2	Online Copy of death certificate of late Inder Chand Kothari (Date of Death 29.01.2018) dated 21.02.2018.
Ex.P3	Online copy of legal heir certificate of Inder Chand Kothari dated 11.07.2018.
Ex.P4	Original Will registered as Document No.35 of 2018 on the file of SRO, Periamet executed by late Mrs.Dhapi Bai Kothari.
Ex.P5	Copy of sale deed dated 13.07.1992, registered as Document No.1594 of 1992, on the file of SRO, Peramet executed in favour of the deceased and another.
Ex.C1	Original Tamil Paper publication in Makkal Kural dated 22.03.2025.
Ex.C2	Original English Paper publication in Trinity Mirror dated 29.03.2025.
Ex.C3	Consent Affidavit of the sole respondent.

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