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O.P.No.380 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.04.2025**

CORAM

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

O.P.No.380 of 2024

S.Ramamani

...Petitioner

vs.

1.Latha Venkatesh

2.V.Archana

...Respondents

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act XXXIX of 1925 for grant of Letters of Administration, under Order XXV Rule 5 of O.S. Rules, prays that Letters of Administration with the Will annexed, may be granted to her as sister of deceased/one of the legatee under the WILL of the said deceased limited to the State of Tamil Nadu.

For Petitioner : Mr.Nageshwaran.N.S

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 05.01.2022 executed by Late.Mr.Varadharajan, who died on 10.03.2022. The petitioner is the elder sister of the testator and the 1st respondent is the wife and the 2nd respondent



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is the daughter of testator. The testator had explicitly mentioned in his will dated 05.01.2022 that he had estranged from his wife and there has been absolutely no communication with both his wife and his daughter throughout the years. The petitioner states that the testator was living with her till his last days. There petitioner is the only beneficiary named under the said will. The petitioner seeks issuance of Letter 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 original unregistered will and testament dated Ex.P1. The computer generated death certificate of the Testator has been marked as Ex.P2. On perusal of the Ex.P1 it clearly exhibits that the petitioner who is the elder sister of the testator is named as the sole beneficiary under the said Will dated 05.01.2022. The general paper publications which has been made are marked as Ex.P6 and Ex.P7 and no objections have been received for the same. The service of notices upon the respondents 1 and 2 was completed through substituted service by paper publication which was allowed by order in Application A.No.5637 of 2024. In spite of the service being completed upon the respondents 1 and 2, they kept themselves away from the proceedings.



3. The petitioner has examined Mr.B.Durairaj and Mr.S.Muralidharan, who are the first and second attesting witnesses to the said Will as PW3 and PW2 respectively. They have spoken about the execution of the Will by the testator and its attestation by them and have marked their affidavits as Ex.P12 and Ex.P10.

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 05.01.2022 of the testator Late.Mr.Varadharajan. 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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Petitioner's witness:

P.W.1 – Mrs.S.Ramamani

P.W.2 – Mr.S.Muralidharan

P.W.3 – Mr.B.Durairaj

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original unregistered Will dated 05.01.2022.
Ex.P2	Computer generated copy of the death certificate of R.Varadharajan died on 10.03.2022 along with affidavit under Section 65B of Indian Evidence Act.
Ex.P3	Certified copy of the sale deed registered as Doc.No.1941/1996 dated 26.12.1995 along with affidavit under Section 65 B of Indian Evidence Act.
Ex.P4	Photocopy of the annuity certificate vide Policy No.1450 dated 20.07.2011. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P5	One issue of paper publication in Tamil, Malai Murasu dated 22.11.2024.
Ex.P6	One issue of general publication in Tamil, Makkal Kural dated 31.12.2024.
Ex.P7	One issue of general publication in English, Trinity Mirror dated 07.01.2025.
Ex.P8	Affidavit of assets wherein the net value of the estate as Rs.46,44,535.00/-
Ex.P9	Photocopy of Aadhar Card.
Ex.P10	Affidavit.
Ex.P11	Photocopy of the Aadhar Card of the 2 nd attesting witness.
Ex.P12	Affidavit.
Ex.P13	Photocopy of the Aadhar Card of the 2 nd attesting witness.



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