



O.P.No.826 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.826 of 2019

1.A.Gajalakshmi

2.A.Shyamala Devi

... Petitioners

Vs

1.Devaki Ammal (died)

(R2 to R4 and petitioners are recognised as the sole surviving legal heirs of the deceased 1st respondent.
order dated 07.12.2024 in A.No.6424 pf 2024) as per

2.A.Dillibabu (deceased)

3.A.Sethuraman

4.A.Ganesh Babu

5.D.Sumitha

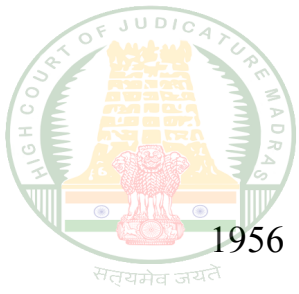
6.D.Hari Kishore

7.D.Hari Baskar

(5 to 7 respondents brought on record amendment carried out as per order dated 09.01.2025 in A.Nos.6420, 6421 and 6422 of 2024)

... Respondents

PRAYER: Original Petition filed for Letters of Administration under Sections 232, 255 and 276 of Indian Succession Act 1925, ACT XXXIX of 1925 and Order XXV Rule 5 of the Madras High Court Original Side Rules,



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1956 for grant of Letters of Administration with Will annexed may be granted to them as daughter/beneficiary under the Will of the deceased limited to the State of Tamil Nadu and limited to the assets in the affidavit of assets.

For Petitioners : Mr.R.Gunasekaran

For Respondents : No appearance.

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 04.04.2007 executed by late.G.Audhikesavalu, who died on 01.12.2008. The petitioners and original respondents 2 to 4 are the children of the testator and 1st respondent is the wife of the testator. During pending litigation the first and second respondent who are the wife and son of the testator died. The legal heirs of 1st respondent are already on record and the legal heirs of the second respondent are brought on record as respondents 5 to 7 who are the grandchildren of the testator through his deceased son. Now, the petitioners and respondents are the only surviving legal heirs of the testator. The petitioners and the respondents are the beneficiaries under the said will. The petitioners filed a suit for partition in O.S.No.412 of 2012 and the same came to be dismissed on 17.11.2015 on the ground that the testator executed



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a will which is subjected under this present case. The respondents inspite of service of notice have remained absent and kept themselves away from this proceedings. The petitioners seek issuance of Letters of Administration in respect of the immovable properties situated within the jurisdiction of this court.

2. The second petitioner has been examined as PW1. She has produced the death certificate of the Testator as Ex.P3. The copy of registered will and testament dated 04.04.2007 as Ex.P1. The legal heir certificate of the testator as Ex.P4. On perusal of the Ex.P4, it clearly exhibits that the testator has a wife, three sons and two daughters who are the petitioners and respondents. The legal heirs of the first respondent who is wife of the testator, are already on record and they were recognised as surviving legal heirs of the first respondent vide order dated 09.12.2024. The legal heirs of the second respondents are brought on record vide order dated 09.01.2025. The certified copy of the judgment in O.S.No.412 of 2012 as Ex.P5.

3. The petitioner has examined Mr.Mohammed Mustafa, who is the first attesting witness to the said Will as PW2. He has spoken about the



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execution of the Will by the testator and its attestation by him.

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4. 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 04.04.2007 of the testator late.G.Audhikesavalu. The petitioners are 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 petitioners are 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

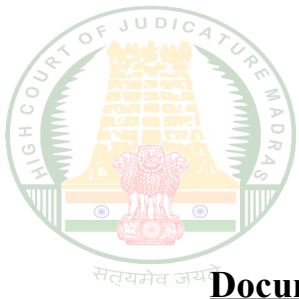
Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 — Mrs.Shyamala Devi

P.W.2 -- Mr. Mohammed Mustafa



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Documents exhibited by the petitioners:

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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Copy of the Will dated 04.04.2007 executed by Mr.G.Audikesavalu.
Ex.P2	Certified copy of the settlement deed dated 10.02.1977
Ex.P3	Computer generated death certificate of Mr.G.Audikesavalu.
Ex.P4	Photocopy of the legal heirship certificate dated 24.04.2017 in respect of the deceased G.Audikesavalu
Ex.P5	Certified copy of the judgment dated 17.11.2015 passed by the City Civil Court, Chennai in OS.No.412/2012.
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.46,20,000/-
Ex.P7	Copy of the Paper Publication effected in one issue of Tamil Daily “Makkal Kural” dated 05.10.2020.
Ex.P8	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 12.10.2020.

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