



WEB COPY

OP No. 270 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 270 of 2025

K.Udayalakshmi
W/o.Selvaraj.R,
No.5/52, Kamaraj Street,
TMP Nagar, Padi,
Ambattur - 600 050.

..Petitioner(s)

Vs

K.Kalaivani
W/o.Balamuruges K,
Plot No.9, 1/819, Pillaiyar Koil Street,
Thuraipakkam, Oggiam,
Chennai - 600 097.

..Respondent(s)

PRAYER: The Original Petition has been filed under Section 232 and 276 of the Indian Succession Act and Order XXV Rule 5 of Original Side Rules praying that Letters of Administration with the Will annexed may be granted to her as the petitioner is the brother's daughter of the said deceased Late R.Kalavathy having effect throughout the State of Tamil Nadu.

For Petitioner(s): M/s.L.Senthil Kumar

For Respondent(s): No appearance.



ORDER

WEB COPY This petition has been filed under Section 232 and 276 of the Indian Succession Act to grant Letters of Administration to the petitioner to the estates and credits of the deceased having effect throughout the State of Tamil Nadu.

2. After filing of this petition, this Court directed the petitioner to effect paper publication in any one of the issue of Tamil Daily and also in English daily and the paper publication was also effected and there is no any objection from any party. Thereafter, the case was posted for recording evidence and the evidence was also recorded. On the side of the petitioners, PW1 and PW2 were examined and Ex.P.1 to Ex.P.10 were marked.

3. According to the petitioner, the Testatrix R.Kalavathy and the father of the petitioner namely Mr. R.Kala Sekar are the brother and sister. The petitioner is the daughter of said Mr. R.Kala Sekar, born out of first wife and the respondent herein is the daughter of said Mr. R. Kala Sekar, born out of second wife. The said Mrs. R. Kalavathy died on 28.05.2018. Her Last Will and Testament was dated 21.10.2009. During her life time, the said Ms. R. Kalavathy had possessed immovable property in Chennai within the jurisdiction of this Court. As per the above said Will dated 21.10.2009, the Testatrix has bequeathed the schedule mentioned immovable property to the petitioner. The



petitioner and the respondent are the only surviving legal heirs and there is no other next of kin to the deceased. As per the Will, the respondent has no right against the property. The petitioner is the sole beneficiary and also legatee under the Will. The total value of the assets would come around Rs.45,50,000/-.

5. The petitioner herein, was examined as PW1. She has deposed that she is the daughter of the brother of the deceased Ms. R.Kalavathy and reiterated the petition averments. PW2, Mrs. R. Sowmiya Kumari, is one of the attesting witnesses in the Will dated 21.10.2009. She has deposed that she knew the testatrix Mrs. R. Kalavathy as her mother's sister's daughter and the Testatrix had executed the Ex.P.2 Will in the year 2009 in her presence and one Mr. G.S. Gopalakrishnan, her family friend. The Testatrix was in a sound state of mind and in good health at the time of execution of Ex.P.2. The Testatrix signed in the Will in the presence of the attesting witnesses. PW2 is well acquainted with the signature of the Testatrix Mrs. R. Kalavathy. PW2 has signed as second attester to Ex.P.2 Will. A perusal of evidences of PW1 and PW2 and Ex.P.1 to Ex.P.10 revealed that the petitioner and the respondent are the legal heirs of the deceased and no any objection has been raised either by the respondent or any other party to grant letter of administration to the petitioner. Therefore, the petitioner, through the evidences and documents, has amply proved the execution of Will. Therefore, the petitioner is entitled to the relief as prayed for in the petition.



6. Therefore, this Original Petition is **allowed** and Letter of Administration, to the estates and credits of the deceased Mrs. R. Kalavathy in favour of the petitioner, is granted.

7. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a **security bond** for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** in favour of the **Assistant Registrar (O.S.II), High Court, Madras**. The petitioner is further directed to render true and correct accounts once in a year

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MJS

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs. K. Udhayalakshmi
PW2 : Mrs. R. Sowmiya Kumari

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
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Ex.P.1.	21.08.2006	Photocopy of the Partition Deed entered into between Mrs. Kalavathy and Mr. R. Kala Sekar.
Ex.P.2	21.10.2009	Original Will executed by Mrs. R. Kalavathy.
Ex.P.3	-	Computer generated Death Certificate of Mrs. R. Kalavathy.
Ex.P.4.	-	Photocopy of Death Certificate of Mr. R. Kala Sekar.
Ex.P.5	-	Photocopy of the Smart Card of Mrs. Kalavathy.
Ex.P.6	-	Photocopy of PW1's Aadhar Card.
Ex.P.7	-	Affidavit of Assets showing net value of estate as Rs.45,50,000/-
Ex.P.8. series (2 nos)	11.11.2025 and 04.11.2025	Copies of paper publication effected in one issue of English daily "Trinity Mirror" and one issue of Tamil daily "Makkal Kural" respectively.
Ex.P.9.	-	Affidavit under Section 63(4)(c) of B.S.A.
Ex.P.10 .	-	Photocopy of PW2's Aadhar Card.

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