

IN THE COURT OF THE DISTRICT JUDGE, THALASSERY

Present: Sri. K.T. Nisar Ahammed, District Judge.

Tuesday, the 19th day of May, 2026/ 29th Vaisakha, 1948.

ORIGINAL PETITION (LA) No. 579/2025

(Letter of Administration)

Aneesh.P, S/o. Kunhikannan, Aged 46 years,]
Bagyalayam, P.O.Shankaranellur,]
Mangattidam Amsom, Koyilode Desom,]
Thalassery Taluk, Kannur District-670643,]
Rep. by P.A. Holder, Smt. Vidya.C.K.,]
D/o. Janardhanan, aged 39 years, Teacher,]
Bhagyalayam, P.O.Sankaranellur,]
Mangattidam Amsom, Koyilode Desom,]
Thalassery Taluk, Kannur District- 670643.]

Petitioner.

Vs

1. Pulukki Kunhikannan, S/o.Kundan,]
aged 74 years, Anugrah, P.O.Shankaranellur,]
Mangattidam Amsom, Koyilode Desom,]
Thalassery Taluk, Kannur District- 670643.]
2. Pulukki Janu, D/o. Kundan, aged 80 years,]
Jithin Nivas, Vengad, P.O.Vengad,]
Kuthuparamba, Kannur District- 670612.]

Respondents.

Petition u/s.278 of Indian Succession Act.

This petition coming on the 18th day of May, 2026, for final hearing before me in the presence of S/Sri.R.Surendran and Afeela.P.P, Advocates for the petitioner; respondents called absent, set ex-parte; and having stood over for consideration till this day, the court passed the following:-

ORDER

Petition filed u/s.278 of Indian Succession Act for grant of Letter of Administration.

2. The petition averments in brief are as follows:-

One Pulukki Madhavi, D/o.Kundan, died on 19.03.2014 was a permanent resident of Murikkal House, Koyilod, Sankaranellur. She

had left the petition schedule property. The first respondent is the father of the petitioner and brother of the deceased. The second respondent is the only surviving sister of the deceased. The other brothers and sisters of the above Pulukki Madhavi namely Pulukki Thalu, Matha, Kallu, Chirutha, Devu, Krishnan, Nanu and Narayani predeceased her. She was a spinster and did not adopt any child. The petition scheduled property originally belonged to Kundan, the father of the deceased and the respondents. As per the partition deed 2595/1989 of SRO, Kuthuparamba, the petition schedule-I property in the said deed was allotted to the deceased and she was the owner and in possession of the property. It is having an extent of 19.5 cents. The respondents are the natural legal heirs of the deceased as per the Hindu Succession Act. The deceased had executed a Will dated 16.11.2013 bequeathing the schedule property to the petitioner herein. It was the last testament of the deceased Madhavi. It was executed by Madhavi when she was fully conscious and in a sound disposing state of mind. She had executed the Will in the presence of two witnesses. It was an unregistered Will. After the death of Madhavi, the Will came into effect and the petitioner is the sole legatee and he is entitled to inherit the assets by excluding the respondents, the natural heirs. However, the second respondent was remitting the basic tax in respect of the property as a legal heir. After the death of the deceased Madhavi, the petitioner is in possession of the property. When he had applied to the revenue authorities mutation on the strength of the Will, he was informed that it can be done only on production of the affidavit of the natural legal heirs expressing their no objection. The property is a garden land and the estimated value is Rs.2,00,000/- on the basis of the fair value fixed by the Government. Hence, the petitioner prays for granting a letter of

administration in respect of the Will dated 16.11.2013 executed by Pulukki Madhavi in favour of the petitioner.

3. Though notice was served on the respondents, they failed to appear. Hence, they were set ex-parte.

4. The petitioner himself and one of the attesting witness to the said Will had filed affidavits as PWs.1 and 2 and marked Exts.A1 to A6.

5. Heard the learned counsel for the petitioner.

6. Now, the points that arise for considered are:

- 1) Whether Ext.A3 is the duly executed last Will of the deceased Madhavi?
- 2) Whether the petitioner is entitled to get a Letter of Administration as prayed for?
- 3) If so, what should be the order?

7. **Point Nos. 1 and 2:-** Here, the petitioner's case is that he is the absolute owner and in possession of the petition schedule property as the sole legatee of the deceased Madhavi, as per Ext.A3 Will executed by Madhavi on 16.11.2013. Madhavi died on 19.03.2014. The respondents are the only living brother and sister of the deceased Madhavi. The other siblings of the deceased Madhavi, predeceased Madhavi. So, the respondents would have inherited the property but for the will in favour of the petitioner. So, the petitioner prays for a letter of administration as the Will is an unregistered one. Here, the respondents were set ex-parte. The petitioner filed affidavit as PW.1 and marked Exts.A1 to A6. PW.2 is one of the attesting witness to Ext.A3 Will. Going by the affidavits, one can see that they substantiate the case of the petitioner. As PWs.1 and 2 were not cross examined, since the respondents are ex-parte, there is nothing to disbelieve the same. Here, Ext.A1 is the partition deed 2595/1989 of

SRO, Kuthuparamba whereby the deceased Madhavi was allocated the schedule property as the legal heir of her father Mr.Kundan. Ext.A2 is the death certificate of Madhavi. As per Ext.A2, Madhavi died on 19.03.2014. Ext.A3 is the unregistered Will executed by Madhavi. Ext.A4 is the affidavit of PW.2, one of the attesting witness which was filed along with the petition. Ext.A5 is a letter from the Village Officer, Mangattidam, issued to one Vidya wherein it was stated that in order to effect mutation based on the Will, either the legal heirship certificate or affidavits of natural legal heirs is required. Ext.A6 is the extract of Thandaper Account Register. As per Ext.A6, land tax was paid by the second respondent. As there is no contra evidence, I do accept the evidence adduced by the petitioner. Going by the evidence of PW.2, one can see that Ext.A3 Will was duly executed by the deceased Madhavi in his presence. PW.2 had witnessed the deceased executing Ext.A3 Will. The deceased Madhavi witnessed PW.2 and other attesting witness putting signature in the Will. So, it is proved that Ext.A3 is a duly executed Will of the deceased Madhavi. Madhavi was having sound disposing mind. So, Ext.A3 stands proved. Ext.A3 is the last Will executed by the deceased Madhavi wherein the petition schedule property was bequeathed to the petitioner excluding the respondents the natural heirs. So, the petitioner is entitled for a letter of administration as prayed for. Point Nos.1 and 2 are answered accordingly.

8. **Point No.3:-** In the result, the OP is allowed. A Letter of Administration as provided in Schedule VII of the Indian Succession Act will be issued in the name of the petitioner for dealing with the asset of Late Pulukki Madhavi, on condition that the petitioner shall administer the same and to make a full and true inventory of the said property and exhibit the same before the Court, within six months of

the date of grant of Letter of Administration. He shall also render a true account of the said property within one year of the date of the order. He shall execute an administration bond for Rs.5,00,000/- with two solvent sureties, within 10 days. Submit a copy of certificate to the Hon'ble High Court in terms of S.274(1) of the Indian Succession Act.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 19th day of May, 2026)

Sd/-
DISTRICT JUDGE

APPENDIX:-

PETITIONER'S WITNESSES:-

PW1 : Sri. Aneesh.P (Proof Affidavit)
PW2 : Sri. Shijith.K (Proof Affidavit)

PETITIONER'S EXHIBITS:-

A1 27.12.1989 Certified copy of Partition Deed 2595/1989 of SRO Kuthuparamba.
A2 19.03.2014 Copy of Death Certificate of Pulukki Madhavi.
A3 16.11.2013 Will executed by Madhavi.
A4 --- Affidavit of PW2.
A5 01.07.2025 Letter from the Village Officer, Mangattidam to C.K.Vidya.
A6 21.11.2024 Copy of Thandaper Account Register.

RESPONDENT'S WITNESSES AND EXHIBITS:- Nil.

COURT EXHIBITS:- Nil.

Sd/-
DISTRICT JUDGE

Fair/Copy of Order in
O.P.(LA) No.579/2025.
Dated: 19.05.2026.