



O.P.No.84 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 84 of 2020

B.Venugopal
Old No.22, New No.34, Sriram Colony, Alwarpet,
Chennai-18

..Petitioner(s)

Vs

Padmini Chandrasekaran
W/o.Mr.Chandrasekaran,
No.119/21-A, Alappakam Main Road, Alappakam,
Chennai-116

..Respondent(s)

PRAYER: That Letters of Administration with the Will dated 15th November 1992 annexed may be granted to the petitioner as the son/beneficiary under the Will of the deceased M.K.Bhaskaran and Lakshmi Kutty Amma, more fully described in the Schedule to the petition, is concerned, to have effect throughout the State of Tamilnadu Gross Amount Rs.1,30,00,000/- Net Amount Rs.1,30,00,000/- Suc.Duty of Rs.25,000/- paid on 31/08/2020

For Petitioner(s): M/s.V.G.Suresh Kumar(1014/1990)
N.K.Vanan
M.Yokesh

For Respondent(s): M/s.TVJ Associates
J.Srinivasa Mohan
J.Amritha Sarayoo
For Sole Respondent - D.No.1052/2022
Vak Filed On 07.01.2022
Aos Filed For



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Paperpublication,dno:9236,dt: 24/03/2022

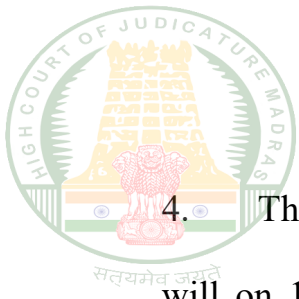
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ORDER

This Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of the Original Side Rules, seeking the grant of Letters of Administration with the Will dated 15.11.1992 annexed, in respect of the estates of the late M.K.Bhaskaran and the late Lakshmi Kutty Amma.

2. The petitioner's case is that he is the son of the late M.K. Bhaskaran and the late Lakshmi Kutty Amma. The respondent is his sister. According to the petitioner, they are the sole Class-I legal heirs of the deceased testators. The petitioner's father, M.K. Bhaskaran, died on 21.02.1993, and his mother, Lakshmi Kutty Amma, died on 26.12.2001.

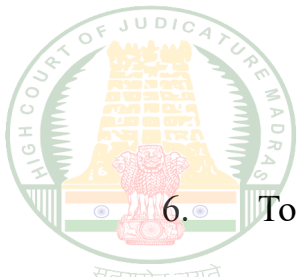
3. The petitioner states that the deceased testators were the owners of the property at Flat No. A3, Ground Floor, Ceebros Garden, No. 14, Kamaraj Salai, previously No. 76, C.P.Ramasamy Iyer Road, Raja Annamalaipuram, Chennai-600028, together with their proportionate undivided share in the land. According to the petitioner, this is the only property left by the deceased testators.



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4. The petitioner further states that the deceased testators executed their last will on 15.11.1992 in Chennai. Under the said Will, the schedule property was bequeathed in favour of the petitioner. The testators appointed the petitioner's wife, Sheela Venugopal, as the executrix under the Will. However, she died on 28.01.2019 without proving the Will. Therefore, the petitioner, being the son and beneficiary under the Will, has filed the present petition for the grant of Letters of Administration with the Will annexed.

5. The petitioner has explained the delay in filing the petition by stating that after the testator's death, he was employed in various places in India and abroad. He has further stated that he and the respondent are on good terms, that the respondent consented to the petitioner taking over and enjoying the property, and that the petitioner has been in possession and enjoyment of the property. According to the petitioner, only when he sought to deal with the property and settle the affairs after his wife's death and after his children had settled abroad did it become necessary to have the Will proved in common form. Hence, the delay is stated to be neither wilful nor wanton.



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6. To prove the petition, the petitioner examined himself as P.W.1. Through

P.W.1, the original Will dated 15.11.1992, executed by M.K. Bhaskaran and Lakshmi Kutty Amma, was marked as Ex.P1. The certified copy of the sale deed dated 19.03.1992 was marked as Ex.P2. The attested photocopy of the construction agreement dated 19.02.1992 entered into with Ceebros Constructions was marked as Ex.P3. The attested photocopy of the death certificate of M.K. Bhaskaran was marked as Ex.P4. The original death certificate of Lakshmi Kutty Amma was marked as Ex.P5. The legal heirship certificate was marked as Ex.P6. The respondent's consent affidavit was marked as Ex.P7. The affidavit of assets, showing the net value of the estate as Rs. 1,30,00,000/-, was marked as Ex.P8. The paper publication in the Tamil daily “Makkal Kural” dated 14.03.2022 was marked as Ex.P9. The paper publication in the English daily “Trinity Mirror” dated 21.03.2022 was marked as Ex.P10. The death certificate of Sheela Venugopal was marked as Ex.P11.

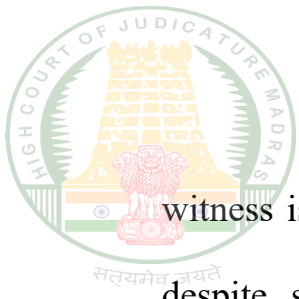
7. The petitioner has stated that the two attesting witnesses to the Will were W.S.Venkat Ramanujulu Naidu and Annapoorneshwari Badri. It is stated that the first attesting witness, W.S.Venkat Ramanujulu Naidu, is deceased. Steps were also taken to summon the other attesting witness, Annapoorneshwari Badri, but the



notice was returned unserved. The records show that the petitioner thereafter sought permission to examine a third party to prove the signatures in the Will.

8. Pursuant to the order passed in A.No.5370 of 2023, Harikrishna Menon was examined as P.W.2 on 03.06.2026. P.W.2 stated that he is the brother-in-law of the petitioner and that he knew M.K.Bhaskaran and Lakshmi Kutty Amma for more than 50 years. He further stated that he is well acquainted with the signatures of both the testators and with the signature of W.S. Venkat Ramanujulu Naidu, the first attesting witness, who was known to him as his family advocate. P.W.2 identified the signatures of the testators in Ex.P1 Will and also identified the signature in the place of the first attesting witness as that of W.S. Venkat Ramanujulu Naidu. His Aadhaar card was marked as Ex.P12.

9. In a testamentary proceeding, this Court is required to determine whether the Will has been proved in the manner known to law. Normally, the Will must be proved by examining at least one attesting witness. However, where the attesting witnesses are dead or cannot be found, the Will can be proved by establishing the signatures of the testator and of at least one attesting witness, as contemplated under Section 69 of the Indian Evidence Act. In the present case, the first attesting



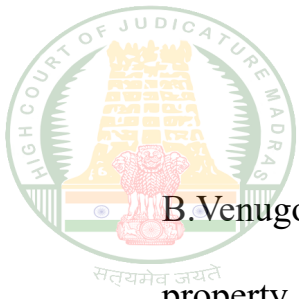
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witness is stated to be dead, and the other attesting witness could not be secured despite steps taken. The petitioner has therefore examined P.W.2, who has identified the signatures of both testators and the signature of one attesting witness in Ex.P1 Will. Hence, the requirement for proof of the Will stands satisfied.

10. The respondent, the only other Class-I legal heir of the deceased testators, has filed her consent affidavit, marked as Ex.P7. Paper publication has also been effected in one Tamil daily and one English daily. No caveat or objection has been filed opposing the grant. The deaths of the testators, the death of the named executrix, the relationship of the parties, the value of the estate and the execution of the Will have all been supported by the documents and evidence on record.

11. In light of the above material and the oral evidence on record, this Court is satisfied that the Will dated 15.11.1992 has been duly proved and that there is no impediment to granting Letters of Administration with the Will annexed in favour of the petitioner.

12. Accordingly, this Original Petition is allowed. Letters of Administration with the Will dated 15.11.1992 annexed shall be granted in favour of the petitioner,



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B.Venugopal, limited to the State of Tamil Nadu and in respect of the schedule property. 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.

13. The petitioner shall administer the estate of the deceased testators in accordance with law. The petitioner shall file a full and true inventory of the estate within six months from the date of grant and shall render true accounts within one year from the date of grant. No costs. Consequently, connected applications, if any, stand closed.

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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List of Witnesses examined on the side of the Petitioner:

PW1 –Mr.B.Venugopal
PW2 – Mr.Harikrishna Menon.



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List of Documents marked on the side of the Petitioner:

Ex.P.1 is the original Will dated 15.11.1992 executed by Mr.M.K.Bhaskaran and Smt.Lakshmi Kutty Amma.

Ex.P.2 is the cerified copy of sale deed dated 19.03.1992 executed in favour of Mr.M.K.Bhaskaran and Smt.M.Lakshmi Kutty Amma.

Ex.P.3 is the attested photocopy of the construction agreement dated 19.02.1992 between Mr.M.K.Bhaskaran and Smt.Lakshmi Kutty Amma the as first party and M/s.Ceebros Constructions, represented by its proprietor Mr.C.Subba Reddy as second party.

Ex.P.4 is the attested photocopy of the death certificate of Mr.M.K.Bhaskaran.

Ex.P.5 is the original death certificate of Lakshmi Kutty Amma.

Ex.P.6 is the computer generated legal heirship certificate of Lakshmi Kutti Amma.

Ex.P.7 is the consent affidavit of the respondent herein.

Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.1,30,00,000/-.

Ex.P.9 is the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 14.03.2022.

Ex.P.10 is the paper publication effected in one issue of English Daily “Trinity Mirror” dated 21.03.2022.

Ex.P.11 is the computer generated death certificate of V.Sheela Venugopal.

Ex.P.12 is the photocopy of my Aadhaar card (compared with the original).

List of Witnesses examined on the side of the Respondent: Nil

List of Documents marked on the side of the Respondent: Nil

07.07.2026

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DR.A.D.MARIA CLETE, J.

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