

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 15<sup>th</sup> DAY OF APRIL 2016

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

OP.NO.481 OF 2014

In the matter of the Indian  
Succession Act XXXIX of 1925  
and  
In the matter of Last will  
and Testament of  
A.N.Narayanan deceased.

V.Paratha sarathy  
S/o.Varadhachari alias Varadhan  
No.D-130/131,Hindu Colony  
22<sup>nd</sup> Street,Nanganallur,  
Chennai.

....Petitioner

-Vs-

1.Santha @ Shantha Lakshmi  
C/o.S.Raghavan  
Flat No.2,Door No.12  
Vasantha Vilas  
Thiru-vi-ka 3<sup>rd</sup> Street  
Mylapore  
Chennai-600 004.

2.Padma  
W/o.Anandha Prasath  
16/17,Krishalji Sukkal street  
Venkatapuram,  
Ambattur  
Chennai-600 053.

3.Vijaya  
W/o.R.Ramanand  
17,Krishalji Shekkal Street  
Venkatapuram  
Ambattur  
Chennai-600 053

4.Rangarajan  
"Rukmani Nivas"  
19/22,Peyalvar koil Street  
Triplicane  
Chennai-600 005.

5. Padma Srinivasan @ Bharathi  
W/o. Srinivasan  
New No.19, Old No.14, 5<sup>th</sup> Main Road  
Nanganallur, Chennai

6. Govindaraju @ Raju  
s/o (Late) Venugopal  
No.7, 3<sup>rd</sup> Block  
Gurumurthy Reddy layout  
Ramamurthy Nagar  
Bangalore-560 096.

... Respondents

This Original Petition praying that this Hon'ble Court be pleased that the letters of Administration with the Will annexed may be granted to him as nephew/legatee under the Last Will and Testament dated 12.12.2002 of the said deceased A.N. Narayanan having effect limited to the State of Tamilnadu.

This Original Petition coming on this day before this court for hearing the court made the following order:

This is an original petition filed under Sections 232 and 276 of the Indian Succession Act for the grant of Letters of Administration.

2. The petitioner is the sole legatee of the Will executed by his junior paternal uncle by name Thiru. A.N. Narayanan, who died on 14.03.2006 at Chennai.

3. Thiru. A.N. Varadhachari @ Varadhan, father of the petitioner, the deceased Thiru A.N. Narayanan, Thiru. A.N. Srinivasan and Mrs. Chellammal were born to Thiru. Narasimhachari in his wedlock with Mrs. Lakshmi.

Mrs.Lakshmi died in 1941. Thereafter, Thiru.Narasimhachari died in 1956.

4. The father of the petitioner was the eldest son of Thiru.Narasimhachari. The petitioner and the first respondent are the son and daughter of Thiru.A.N.Varadachari, through his first wife Mrs.Shenbagavallai, who died in 1938. The respondents 2 to 5 are the sons and daughters of Thiru.A.N.Varadachari, through his second wife Mrs.Jayalakshmi. Thiru.A.N.Varadachari died in 1993. Thereafter, his wife Mrs.Jayalakshmi died on 04.09.2012.

5. Thiru.A.N.Srinivasan, the other brother of Thiru.A.N.Narayanan was mentally retarded. He was a bachelor. He was found missing for a period more than 30 years. Mrs.Chellammal, the only sister of the Testator Thiru.A.N.Narayanan died in November 1992. The 6th respondent is the only son of Mrs.Chellammal. The deceased died issue less.

6. Thiru.A.N.Narayanan executed his last Will and Testament on 12.12.2002. The Will was registered as Document No.180 of 2002 on the file of Sub-Registrar, Tambaram. The petitioner is the sole legatee of the Will. No Executor was appointed under the Will. The petitioner has come up with this petition for the grant of letters of administration.

7. P.W.2 was examined to prove the attestation of the Will. P.W.2 in his evidence confirmed that the Testator executed his last Will and Testament in a sound and disposing state of mind and that he along with the other witness attested the Will at the same time. The following documents were marked through him:-

Ex.P1 - Original Will dated 12.12.2002 executed by the Testator Mr.A.N.Narayanan

Ex.P2 - Affidavit of P.W.1

8. The petitioner was examined as P.W.2. The following documents were marked through him:-

| <b>Exhibits</b>             | <b>Documents</b>                                                                                                                                    |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P3                       | Photocopy of Sale Deed dated 13.03.2002 in favour of Mr.A.N.Narayanan registered as Doc.No.1775 of 2002 at SRO, Sembium                             |
| Ex.P4                       | Computer generated death certificate of the Testator, who died on 14.03.2006                                                                        |
| Ex.P5                       | Computer generated death certificate of Anusuya, wife of the Testator, who died on 28.11.2002                                                       |
| Ex.P6                       | Consent affidavit given by the first respondent stating that she has no objection in grant of letters of administration in favour of the petitioner |
| Ex.P7                       | Consent affidavit given by the second respondent                                                                                                    |
| Ex.P8                       | Consent affidavit given by the third respondent                                                                                                     |
| EX.P9                       | Consent affidavit given by the fourth respondent                                                                                                    |
| Ex.P10                      | Consent affidavit given by the fifth respondent                                                                                                     |
| Ex.P11                      | Consent affidavit given by the sixth respondent                                                                                                     |
| Ex.P12                      | Affidavit of Assets showing the net value of the Estate as Rs.7,90,000/-                                                                            |
| Ex.P13<br>Series<br>(2 Nos) | Copies of Paper Publication effected in English Daily "Trinity Mirror" dated 17.09.2015 and Tamil Daily "Makkal Kural" dated 24.09.2015             |

9. The petitioner has taken paper publication in "Trinity Mirror" and "Makkal Kural" on 17.09.2015 and 24.09.2015 respectively. So far no objection has been received from any one.

10. In view of the evidence on record, I am satisfied that the petitioner is entitled to the grant of letters of administration.

11. There shall be an order to issue Letters of Administration with the Will annexed in favour of the petitioner. The petitioner is directed to execute a bond for a sum of Rs.25,000/- in favour of the Assistant Registrar OS-II, High Court, Madras - 600 104, within the statutory period.

In the upshot, I allow the Original Petition.

**Sd/K.K.S.J**

15.04.2016

//Certified to be a true copy//

Dated this the                      day of                      2016

S.s/19.09.2016                      COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.