

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

DATED, THE 16TH DAY OF MARCH 2016

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

O.P.NO.528 OF 2014

In the matter of Indian
Succession Act 1925 and
In the matter of last will
and testament and codicil
of Mr.N.B.Subramaniam
(Deceased)

1.Mr.N.B.S.Jagannathan,
Son of N.B.Subramaniam,
Old No.148, New No.128
Kutchery Road, Mylapore,
Chennai 600 004

2.Mr.N.B.S.Sundaram,
Son of N.B.Subramaniam
aged about 63 years
reisiding at Old No.148
New No.128, Kutchery Road
Mylapore, Chennai 600 004

3.Mr.N.B.S.Veeraraghavan,
Son of N.B.Subramaniam
aged about 54 years
Old NO.10, New No.25
Mundakanniamman Koil Street
Mylapore, Chennai 600 004

...Petitioners

-vs-

1.Smt. M.Mangalam,
Wife of P.S.Mani,
aged about 65 years
No.12/2, Madhavaperumal Koil Street
Mylapore, Chennai 600 004

2.Mr.N.B.S.Chakaravarthy,
Son of N.B.Subramaniam
aged about 60 years
Old No.10, New No.25
Mundakanniamman Koil Street
Mylapore, Chennai 600 004

3.Mr.N.B.S.Thanigachalam,
Son of N.B.Subramaniam,
aged about 67 years
Old No.2, New No.3/2
Mundakanniamman Koil V Lane
Mylapore, Chennai 600 004

4.Smt. S.Prema alais Premavathy
Wife of Sundaramurthy
aged about 64 years
Block No.10, Door No.675
East Mogappair
Chennai

....Respondents

This Original Petition praying that this Hon'ble Court be pleased to that the Letter of Administration with the Will annexed may be granted to the petitioners as sons/the legatee under the Will of the said deceased having effect limited to the State of Tamil Nadu

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 petitioners are the children of Thiru.N.B.Subramaniam, who died on 02.07.2002 at Chennai. The respondents are the children born to Thiru.N.B.Subramaniam. The parents of the deceased are no more.

3. Thiru.N.B.Subramaniam executed his last Will and Testament on 11 October 1998 and Codicil on 8 March 1999 in the presence of two witnesses. No Executor was appointed under the Will. The petitioners 1 to 3 are the legatees under the Will. The petitioners seek letters of administration on the strength of the Will.

4. The second petitioner was examined as P.W.1. The following documents were marked through him:-

Exhibits	Documents
Ex.P1	Computer generated death certificate of Thiru.N.B.Subramaniam, who died on 02.07.2002
Ex.P2	Original Will executed by the Testator on 11.10.1998 registered as Doc.No.134 of 1998 at SRO, Mylapore
Ex.P3	Original Codicil executed by the deceased on 08.03.1999
Ex.P4	Photocopy of the legal heirship certificate dated 30.12.2003 in respect of Thiru.N.B.Subramaniam issued, by the Tahsildar, Mylapore-Triplicane Taluk
Ex.P5	Copy of the Legal notice dated 16.02.2013 sent to all the respondents along with acknowledgment cards
Ex.P6	Original reply notice dated 26.02.2012 sent by the respondents addressed to the counsel
Ex.P7	Consent affidavit given by the third respondent
Ex.P8	Consent affidavit given by the fourth respondent
Ex.P9	Affidavit of assets showing the net value of the property for Rs.30,00,000/-
Ex.P10 Series (2 Nos)	Copies of Paper Publication effected in Tamil Daily "Makkal Kural" dated 28.02.2015 and English Daily "Trinity Mirror" dated 28.02.2015

5. Since attesting witnesses were not available, two witnesses were examined to prove the factum of attestation. P.W.2 in his evidence confirmed the signature of his father in the Codicil, marked as Ex.P3. The affidavit of P.W.2 was marked as Ex.P12.

6. P.W.3 in his evidence admitted the signature of Thiru.Arulraj, one of the attesting witnesses. Ex.P13 is the computer generated death certificate of Thiru.Arulraj. The affidavit of P.W.3 was marked as

7. The petitioners have taken Paper Publication in "Makkal Kural" and "Trinity Mirror" dated 28.02.2015. So far no objection has been received from any one.

8. In view of the documents available on record, I am satisfied that the petitioners are entitled to the grant of Letters of Administration.

9. There shall be an order to issue Letters of Administration with the Will annexed in favour of the petitioners. The petitioners are 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

16.03.2016

//Certified to be a true copy//

Dated this the day of सत्यमेव जयते 2017

R.s/22.03.2017

COURT OFFICER

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