

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

DATED, THE 28TH DAY OF APRIL 2016

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

O.P.No.556 of 2014

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of Last Will
and Testament of
G.Palani Gramani (Deceased)

J.Vijayakumar,
S/o.S.Jayakumar,
No.59/12, Pillayar Koil Street
North T.Nagar,
Chennai 600 017

...Petitioner

-vs-

1.M.Prabhakaran,
S/o.S.Mohan,
New No.59 Old No.12
Pillayar Koil Street
North T.Nagar
Chennai 600 017

2.S.Hemachandran,
S/o.S.Sekar,
No.16, Valli Street
Kabilar Nagar (Pillaiyar Koil)
Manavala Nagar, Thiruvallur

3.S.Mothi,
S/o.S.Sukumar,
Plot No.16, Kambar Street
Ma.Po.Se.Nagar,
Thiruvallur

4.T.Saravanan,
S/o.Thirunavukkarasu,
No.120, Puduchatram
Via Thirumazhisai,
Thiruvallur High Road
Chennai 602 107

5.Mrs. R.Rani,
D/o.Late R.Ramadoss,
No.44, AVM Avenue,
Main Road, Virugambakkam,
Chennai 600 092

...Respondents

Original Petition praying that this Hon'ble Court may be pleased that Letter of Administration with the Will annexed herein may be granted to him as nephew and as one of the legatees and beneficiary under the Will of the deceased having effect limited to the State of Tamil Nadu.

This original petition coming on this day before this Court 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 son of Thiru.S.Jayakumar, who is the brother-in-law of the deceased. The petitioner and respondents 1 to 4 are the near relatives of the wife of the deceased. The 5th respondent is the grand daughter of the brother of the deceased.

3. Thiru.G.Palani Gramani executed a Will on 24 November 2004 in the presence of two witnesses. The Will was registered as Document No.134 of 2004 on the file of Sub-Registrar, Kodambakkam. No Executor was appointed under the Will. Thiru.G.Palani Gramani died issue less.

<https://hcservices.ecourts.gov.in/hcservices/> The on file of Tmt.P.Saroja, the wife of the deceased died

on 16.03.2010. There are no Class I legal heirs. The petitioner and respondents 1 to 4 are the beneficiaries under the Will. The petitioner has therefore come up with this original petition for the grant of letters of administration.

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

Exhibits	Documents
Ex.P1	Original Will and Testament of G.Pazhani Gramini dated 24.11.2004 registered as Doc.No.134 of 2004 before the SRO, Kodambakkam.
Ex.P2	Original death certificate of the G.Pazhani, who died on 10.07.2007
Ex.P3	Original legal heir ship certificate dated 22.08.2007 in respect of G.Pazhani, issued by the Tahsildar, Mambalam - Guindy Taluk
Ex.P4	Original death certificate of P.Saroja, wife of the Testator, who died on 16.03.2010
Ex.P5	Copy of Paper Publication effected in English Daily "Trinity Mirror" dated 28.04.2015
Ex.P6	Copy of Paper Publication effected in English Daily "Tamil Daily" dated 28.04.2015
Ex.P7	Copy of Paper Publication effected in Tamil Daily "Makkal Kural" dated 02.03.2015
Ex.P8	Affidavit of Assets showing the net value of the assets as Rs.8,98,720/-
Ex.P9	Original property tax demand card bearing Serial No.393065 standing in the name of the deceased
Ex.P10	Original property tax demand card bearing Serial No.475596, standing in the name of the P.Saroja

5. P.W.2 was examined to prove 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 affidavit of P.W.2 was marked as Ex.P11.

6. The petitioner has taken paper publication in "Trinity Mirror" and "Makkal Kural" on 28.04.2015. So far no objection has been received from any one.

7. Though respondents 1 and 4 have entered appearance through counsel, they have not filed any consent affidavits. Despite effecting substituted service on the 5th respondent, she has not entered appearance.

8. In view of the evidence on record, I am satisfied that the petitioner is 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 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

28.04.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/27.02.2017

COURT OFFICER