

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

WEDNESDAY, THE 6th DAY OF JANUARY 2016

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

OP.NO.344 OF 2015

In the matter of Inidan
Succession Act XXXIX of 1925
and

In the matter of the last will
and testament of A.Ramesan
(Deceased)

K.Venkatasai

.....Petitioner

This Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with the will annexed may be granted to him as the brother's son legatee under the will of the said deceased having effect limited to state of Tamil Nadu and pass such further or other orders as may be necessary in the circumstances of their case and thus render justice.

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 son of the elder brother of Thiru.A.Ramesan, who died on 29.09.2013 at Chennai. The Testator executed a Will dated 6 December 2010. He died issue less. The wife of Thiru.A.Ramesan pre-deceased him.

3. The Will was registered before the Sub-Registrar, Virugambakkam as Document No.144/2010. Executor was not appointed under the Will. The petitioner, therefore, has come up with this Original Petition for grant of Letters of Administration.

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

Exhibi ts	Documents
Ex.P1	Computer generated copy of the death certificate of Thiru.A.Ramesan, who died on 29.09.2013
Ex.P2	Original Registered Will dated 06.12.2010 executed by Thiru.A.Ramesan, which was registered as Doc.No.144/2010 on the file of SRO, Virugambakkam. The Will was attested by two attesting witnesses namely Mr.Ranganathan and Mrs.V.Vasugi
Ex.P3	Original Death Certificate of the Testator's wife Dr.E.S.Thylambal, who died on 15.03.2011

Exhibits	Documents
Ex.P4	Original Savings Bank pass book for the Account in No.1010236379 maintained by the Testator in Central Bank of India, Kodambakkam Branch
Ex.P5	Original Certified copy of the Sale Deed dated 23.09.1988 executed by Dr.Ravichandran Iyer through his Power of Attorney Mrs.Lalitha Ravichandran in favour of the Testator in respect of the property situated at Valasaravakkam Village
Ex.P6	Affidavit of Assets showing the net value of the property as Rs.60,10,017/-
Ex.P7	Paper Publication effected in Tamil Daily "Makkal Kural" dated 23.07.2015
Ex.P8	Paper Publication effected in English Daily "Trinity Mirror" dated 31.07.2015

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.P9.

6. In view of the evidence on record, I am satisfied that the petitioner is entitled to the grant of Letters of Administration.

7. 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 Assistant Registrar OS-II, High Court, Madras - 600 104.

In the upshot, I allow the Original Petition.

sd/.K.K.S.J

06.01.2016

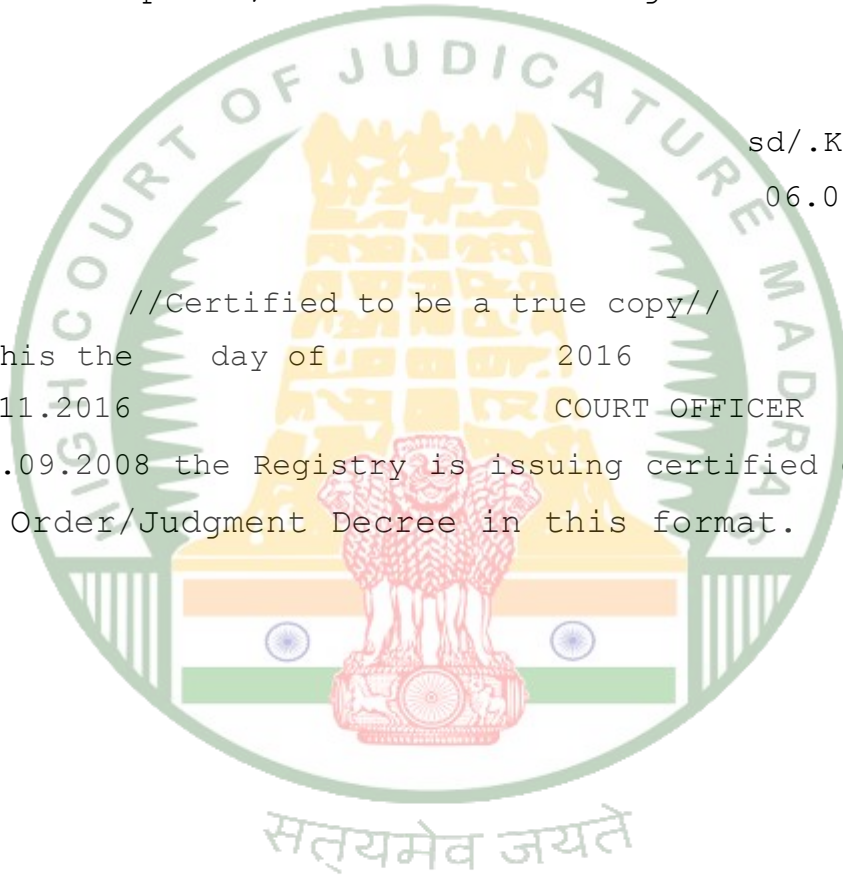
//Certified to be a true copy//

Dated this the day of 2016

S.S/22.11.2016

COURT OFFICER

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



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