

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

FRIDAY, THE 15th DAY OF APRIL 2016

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

O.P.NO.369 OF 2015

In the matter of Indian
succession Act XXXIX of
1925

In the matter of the Last
Will and Testament of
Mr.S.Vasudeva reddy
(Deceased)

1. R.kasturi Rangan
2. R.Sri Krishna

...Petitioner

-Vs-

1.V.Rjamannar
2.R.Santhanaa laxmi-minor
represented by her mother and natural guardian
Mrs.R.Saratha

...Respondents

सत्यमेव जयते

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This Original Petition praying that this Hon'ble Court be pleased that the Letters of Administration with the said will may be granted to the Petitioners as Grandsons/ beneficiaries legatees under the will of the said Mr.S.Vasudevareddy 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:

None appears on behalf of the petitioners.

2. This original petition is filed under Sections 232 and 276 of the Indian Succession Act for the grant of Letters of Administration on the strength of the Will dated 17.6.2005.

3. The petitioners are the grandchildren of Thiru S.Vasudeva Reddy, who died on 2.7.2007 at Chennai. The first respondent is the son of Thiru S.Vasudeva Reddy and father of the petitioners. The second respondent is the daughter of the first petitioner and she is represented by her mother.

4. Thiru S.Vasudeva Reddy executed his Will and Testament on 17.6.2005 at Chennai. The Will was registered as Document No.75 of 2005 on the file of Sub-Registrar, Sembium. No Executor was appointed under the Will.

5. The Will executed by Thiru S.Vasudeva Reddy in the presence of two witnesses contained the details with regard to devolution of the property. The petitioners and the respondents are the

beneficiaries under the Will.

6. Mrs.V.Kasthuri, wife of Thiru S.Vasudeva Reddy died on 19.02.2010.

7. The petitioners seek letters of administration.

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

Exhibits	Documents
Ex.P1	Original death certificate of Mr.S.Vasudevan, who died on 2.7.2007
Ex.P2	Original Will executed by Mr.S.Vasudeva Reddy on 17.6.2005 registered as Doc.No.75 of 2005 at SRO, Sembium
Ex.P3	Photocopy of legal heirship certificate dated 22.10.2007 in respect of Mr.S.Vasudevan
Ex.P4	Computer generated death certificate of Mrs.V.Kasthuru, who died on 19.2.2010
Ex.P5	Computer generated property tax receipt in respect of the schedule mentioned property
Ex.P6	Consent affidavit given by the first respondent stating no objection for grant of letters of administration in favour of the petitioners.

Exhibits	Documents
Ex.P.7	Consent affidavit given by the first respondent stating no objection for grant of letters of administration in favour of the petitioners.
Ex.P.8	Affidavit of assets showing the net value of the estate as Rs.55,00,000/-
Ex.P.9	Copy of Paper Publication effected in Tamil Daily "Maalai Sudar" dated 31.12.2015
EX.P.10	Copy of Paper Publication effected in English Daily "News Today" dated 8.1.2016

9. The first attesting witness of the Will is Mrs.Kasturi, who is none other than the wife of the testator. Since she is no more, P.W.2 was examined to prove her signature.

10. P.W.2 in his evidence confirmed the signature of Mrs.Kasturi. The affidavit of P.W.2 was marked as Ex.P.11.

11. The petitioners have taken paper publication in "Maalai Sudar" and "News Today" on 31.12.2015 and 8.1.2016 respectively. So far no objection has been received from any one.

12. In view of the evidence on record, the original petition deserves to be allowed.

13. 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

15.04.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/08.09.2016

COURT OFFICER

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

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