

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.783 OF 2015

In the matter of the Indian  
Succession Act XXXIX1925  
and  
In the matter of last  
will and testament of  
S.Muthukrishnan (Deceased)

1.M.Mohan  
2.M.Manoharan  
3.M.Sundara Moorthy  
Son of Mohan  
No.8/32A, Tamil Veedhi  
Padmanaba Nagar  
Choolaimedu  
Chennai-600 094

...Petitioners

-Vs-

1.S.Vasantha  
wife of C.Subramanian  
No.19-E, Elangaliamman koil street  
Thirukumarapuram  
Arumbakkam  
Chennai-600 106.

2.N.Amsa  
wife of P.Nachiappan  
No.P-8, 12<sup>th</sup> Cross Street  
7<sup>th</sup> Main Road  
Srinivasa Nagar North  
Puthur  
Trichy-17

..Respondents

This Original Petition praying that this Hon'ble  
Court be pleased that grant of Letters of Administration  
with the Will annexed may be granted to 2<sup>nd</sup> and 3<sup>rd</sup>

<https://hcservices.ecourts.gov.in/hcservices/petitioners/> as son and grand son/Legatee under the Will

of the said deceased having effect limited to the State of Tamil Nadu and pass such further or other orders .

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. Petitioners 1 and 2 and the respondents are the children of Thiru.S.Muthukrishnan. The third petitioner is the grand son of Thiru.S.Muthukrishnan.

3. Thiru.S.Muthukrishnan executed his last Will and Testament on 11.01.2002. The Will was executed in the presence of two witnesses. Thereafter, Thiru.S.Muthukrishnan died on 31.08.2006. His wife pre-deceased him. No Executor was appointed under the Will. The petitioners have therefore come up with this original petition for the grant of letters of administration.

4. The petitioners have taken paper publication in "News Today" and "Malai Sudar" on 16.02.2016 and 23.02.2016 respectively. So far no objection has

5. The first petitioner was examined as P.W.1.

The following documents were marked through him:-

| <b>Exhibits</b> | <b>Documents</b>                                                                                                                                     |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1           | Computer generated death certificate of Mr.S.Muthukrishnan, who died on 31.08.2006                                                                   |
| Ex.P2           | Original Will executed by Thiru.S.Muthukrishnan on 11.01.2002 registered as Doc.No.6 of 2002 at SRO, Kodambakkam                                     |
| Ex.P3           | Photocopy of legal heir ship certificate dated 28.07.2014 in respect of Thiru.S.Muthukrishnan                                                        |
| Ex.P4           | Affidavit of Assets showing the net value of the estate as Rs.50,00,000/-                                                                            |
| Ex.P5           | Consent affidavit given by the first respondent stating that she has no objection in grant of letters of administration in favour of the petitioners |
| Ex.P6           | Consent affidavit given by the second respondent                                                                                                     |
| Ex.P7           | Copy of Paper Publication effected in English Daily "News Today" dated 16.02.2016                                                                    |
| EX.P8           | Copy of Paper Publication effected in Tamil Daily "Malai Sudar" dated 23.02.2016                                                                     |

6. P.W.2 was examined to prove the signature of Mr.E.Sarvesan, second attesting witness of the Will. P.W.2 in his evidence confirmed the signature of Mr.E.Sarvesan in Ex.P2. The affidavit of P.W.2 was marked as Ex.P9.

7. In view of the evidence on record, I am satisfied that the petitioners are entitled to the

grant of letters of administration.

8. There shall be an order to issue Letters of Administration with the Will annexed in favour of Petitioners 2 and 3. Petitioners 2 and 3 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/03.11.2016

COURT OFFICER

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

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