

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

FRIDAY, THE 29th DAY OF APRIL 2016

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

OP.NO.513 OF 2013

In the matter of the Indian
Succession Act XXXIX of
1925

and

In the matter of the
Last will and Testament of
Smt.P.Sundarambal-Deceased

P.Krishnamurthy
S/o.Panchapakesan
Flat No.1,Ground Floor,
Door No.16, Mangadusamy Street
Nungambakkam,Chennai-600 024.

...Petitioner

-VS-

V.Srinivasan
S/o.L.Venkataraman
No.827/4, 6th B Cross,
Kempegowda Nagar, T-Dasarahalli
Bangalore-560 057.

...Respondent

This Application praying that this Hon'ble
Court be pleased to letters of Administration with the
Will annexed may be granted to the petitioner as the
legatee/sole beneficiary under the Will of the said
deceased/testatrix having effect limited to the State of
Tamil Nadu and limited to the properties mentioned in the

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 brother's son of Tmt.P.Sundarambal, who died on 16.12.2010. Smt.P.Sundarambal executed her last Will and Testament on 30.06.1997 in the presence of two witnesses. The Will was registered as Document No.19 of 1997 on the file of Sub-Registrar, Thousand Lights. The petitioner was shown as the beneficiary under the Will. No Executor was appointed by the testatrix. The petitioner has come up with this original petition for the grant of letters of administration.

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

Exhibits	Documents
Ex.P1	Original death certificate of Tmt.P.Sundarambal, who died on 16.12.2010.
Ex.P2	Original registered Will dated 30.06.1997 executed by P.Sundarambal, which was registered as Doc.No.19 of 1997 on the file of SRO, Thousand Lights.
Ex.P3	Photocopy of Property Tax Demand Card bearing Serial No.0392297, standing in the name of the deceased P.Sundarambal
Ex.P4	Computer generated Property Tax Receipt dated 22.09.2015
Ex.P5	Original Electricity Bill receipt dated 16.03.2016
Ex.P6	Photocopy of Electricity Bill Card standing in the name of the deceased P.Sundarambal
EX.P7	Photocopy of the Water and Sewerage Tax cum Water Charges/ Sewerage service charges card standing in the name of the deceased P.Sundarambal
Ex.P8	Original receipt bearing No.079806 dated 18.09.2015 received by Chennai Metropolitan Water Supply Sewerage Board
Ex.P9	Affidavit of Assets showing the net value of the property as Rs.1,10,300/-
Ex.P10	Computer generated death certificate of the 2nd identifying witness P.Saraswathi, who died on 16.11.2014
Ex.P11	Copy of Paper Publication effected in Tamil Daily "Malai Sudar" dated 29.04.2014

Exhibits	Documents
Ex.P12	Copy of Paper Publication effected in English Daily "News Today" dated 07.05.2014

4. The petitioner examined P.W.2 to prove the Will. P.W.2 is the daughter of Thiru.V.Radhakrishnan, who signed the Will as an attesting witness. P.W.2 confirmed the signature of Thiru.V.Radhakrishnan. The petitioner adduced secondary evidence to prove the Will by examining the daughter of the attesting witness. Ex.P13 is the photocopy of the death certificate of Thiru.V.Radhakrishnan. Ex.P14 is the photocopy of the legal heir ship certificate dated 02.06.2010 in respect of Thiru.V.Radhakrishnan.

5. The petitioner has taken paper publication in "Malai Sudar" and "News Today" on 29.04.2014 and 07.05.2014 respectively. So far no objection has been received from any one.

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 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
29.04.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/22.08.2016

COURT OFFICER

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

सत्यमेव जयते

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