



WEB COPY

"The petitioner prays that the Letters of Administration with the Will annexed may be granted to them as the daughter-in-law and grand children of the said deceased having effect through the limited State of Tamil Nadu."

2. The second respondent in the said O.P has entered caveat and therefore, the said O.P., was converted as T.O.S.No.39 of 2010.

3. The plaintiff would aver among other things that R.S.Jayaraman, died on 15/4/2008, at Chennai and while he was alive, he executed a Will dated 17/3/2001, in the presence of witnesses. The executor is the son of the deceased and the respondents are sisters of the petitioner. The wife and parents of the deceased predeceased.

4. This Court has repeatedly granted time to the defendants viz., R.Mythili and S.Girija, to file written statement and having ended the fact that despite grant of time, she did not do so, set her ex parte on 5/6/2015 and directed to list the matter, before the learned Additional Master, for recording of evidence, on 8/6/2015.

5. The learned counsel appearing for the plaintiffs would

<https://hcservices.ecourts.gov.in/hcservices/>

submit that on the demise of J.Natarajan, his wife and daughters



were arrayed as legal representatives of the deceased. The wife of the deceased, filed a proof affidavit and marked the Will dated 17/3/2001, executed by her late father-in-law R.S.Jayaraman, as Ex.P.1.

6. It is the further submission of the learned counsel appearing for the plaintiffs that P.W.2/V.Elangovan had subscribed his signature, as one of the witnesses, in Ex.P.1/Will. One more Testator was also examined as P.W.3/A.J.Gopalan, who has deposed the similar lines as that of P.W.2.

7. In sum and substance, it is the submission of the learned counsel appearing for the plaintiffs that since the original Will is a handwritten Will of R.S.Jayaraman and the reasons have been given as to the execution of the daughters, coupled with the fact that the testators of the Will viz., P.Ws.2 and 3 as witnesses, Ex.P.1 Will has been proved and hence prays for appropriate orders.

8. The Court heard the submission of the learned counsel appearing for the plaintiffs and also perused the pleadings, oral and documentary evidence.

9. The following issues have arisen for consideration:-

(i). Whether Ex.P.1 handwritten Will dated 17/3/2001, executed by late R.S.Jayaraman, is true, valid and not surrounded by any suspicious circumstances?



(ii). To what relief can the plaintiffs are entitled to?

10. This Court has perused Ex.P.1 Will, which was a handwritten Will, executed by the father-in-law of the first plaintiff. A perusal of the Will discloses among other things that it was executed while the testator was in a sound and disposing state of mind and also given reasons as to why his two daughters viz., Mythili and Girija were excluded for the reasons that their marriages have been celebrated by spending substantial amounts consisting with the status and social standing. Subsequent to their marriage, testator was making appropriate gifts on festive occasions and they are also living with their respective husbands and are comfortably placed in their life.

11. The oral and documentary evidence referred to above, would establish due and valid execution of the Will in sound disposing state of mind by the testator and entitlement of the plaintiffs to get Letters of Administration in his favour to manage and administer the property mentioned in the Will of the deceased and the testator has given appropriate and sufficient reasons as to the exclusion of their daughters for getting any benefit out of the said Will.

12. As per the said Will, after the life estate was given in favour of the wife of the testator viz., R.S.Jayaraman and after his demise, his wife became the absolute owner.

R.S.Jayaraman died on 15/4/2008. On the death of the sole plaintiff, an application has been filed in Application No.6497



of 2013, seeking to implead the legal representatives of the plaintiff as plaintiffs 2 to 4 and the same was allowed on 7/1/2014. The wife of the testator also died on 9/10/2001 and therefore, the property has been given absolutely in favour of the testator and on his demise, would devolve on his Lrs/plaintiffs 2 to 4. The attestators are examined as P.Ws.2 and 3 and they would state that they are one of the attesting witness to the Will dated 17/3/2001, executed by R.S.Jayaraman.

13. In the considered opinion of the Court, Ex.P.1 Will has been properly proved for the reasons that it was a handwritten Will and to prove the execution of the testators, P.Ws.2 and 3 were examined as witnesses. Therefore, it cannot be said that the Will is not true, not genuine or invalid and surrounded by suspicious circumstances. Since Ex.P.1 Will has been proved, issue No.1 is answered in favour of the plaintiffs.

14. In the result,

(i). the suit is decreed.

(ii). The letters of Administration, having the effect limited to the State of Tamil Nadu, shall be issued in favour of the plaintiffs in respect of the property mentioned in the Will of deceased R.S.Jayaraman.

(iii). The plaintiffs are directed to duly administer the estate of the deceased.



(iv). The plaintiffs shall execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S-II), High Court, Madras.

(v). The plaintiffs are further directed to render true and correct accounts once in a year.

(vi). No costs.

sd/.M.S.N.J.

16.02.2016

//Certified to be a true copy//
Dated this the day of 2016.

S.s/11.05.2016

COURT OFFICER

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