

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 12TH DAY OF JUNE 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.1007 of 2017

In the matter of Indian
Succession Act, 1925 (Act
XXXIX of 1925)

And

In the matter of last will and
Testament dated 10.07.2006 of
late P.A. Ramakrishnan
(deceased)

R.Anantha Narayanan
S/o.Late P.A.Ramakrishnan,
Old No.37, New No.103, 2nd Street,
Kamaraj Avenue
Adyar, Chennai 600 020.

...Petitioner

1.Mrs.Saroja Ramakrishnan
W/o.Late Shri P.A.Ramakrishnan
Old No.37, New No.103
2nd Street,Kamaraj Avenue
Adyar, Chennai 600 020.

2.Mrs.Usha Venkatesh
D/o.Late Shri P.A.Ramakrishnan and
W/o.Mr.Venkatesh
No.22, 8th Cross, Prashanth Nagar
Basaweswara Nagar
P.O.Bangalore - 560 079.

3.Mrs.Nandini Balasubramaniam
D/o.Late Shri P.A.Ramakrishnan and
W/o.Balasubramaniam
Old No.10, New No.122
2nd Street,Kamaraj Avenue
Adyar,
Chennai 600 020.

4.Mrs.Lakshmi Ramadorai
 D/o.Late Shri P.A.Ramakrishnan and
 W/o.Ramadorai
 Flat No.10, AJ Apartments
 Old No.48, New No.38, Giri Road
 T.Nagar, Chennai 600 017.

...Respondents

Original Petition praying that this Hon'ble Court be pleased to the Letters of Administration with the Will annexed may be granted to him as the son of the said deceased having effect throughout the Union of India and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

This Original Petition coming on this day before this court for hearing, the court made the following order:

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 and under Order XXV Rule 5 of the High Court Original Side Rules, seeking for grant of Letters of Administration.

2.In the petition, it is stated that the deceased P.A.Ramakrishnan, died on 09.03.2008 at Chennai viz. Life Line Hospital, Palavakkam, Madras 600 041 and was ordinarily resided at Old No.37, New No.103, 2nd Street, Kamaraj Avenue, Adyar, Chennai 600 020. The deceased executed his last Will and Testament dated 10.07.2006 and no executor has been appointed under the said Will.

3.The petitioner submits that the deceased P.A.Ramakrishnan who died at Chennai on 09.03.2008 was the

husband of the first respondent. The property at Old No.37, New No.103, 2nd Street, Kamaraj Avenue, Adyar, Chennai 600 020 morefully described in the Schedule hereunder which is the subject matter of the Will was bequeathed to the petitioner herein, the son of the deceased P.A.Ramakrishnan under a Will dated 10.07.2006 and registered as Doc.No.64 of 2006, in the Office of the Sub Registrar, Adyar.

4. The deceased P.A.Ramakrishnan is the father of the petitioner. The first respondent is the mother and second, third and fourth respondents are the sisters of the petitioner. By the above said Will, the deceased had bequeathed the immovable property to the petitioner and the respondents. The deceased left the petitioner and the respondents as his surviving next of kin. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.11,21,12,000/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.11,21,12,000/-. The petitioner undertook to duly administer the property and credits of the deceased P.A.Ramakrishnan in any way concerning his Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and

exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioner. No application has been filed in any other Court for the probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to her property and credits.

5. The petitioner, examined herself as P.W.1 and P.W.2, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P10.

(1)Ex.P1 is the original death certificate of the petitioner's father P.A.Ramakrishnan, who died on 09.03.2008.

(2)Ex.P2 is the original Will executed by the petitioner's father P.A.Ramakrishnan on 10.07.2006.

(3)Ex.P3 is the photocopy of Legal Heirship certificate in respect of the petitioner's father P.A.Ramakrishnan.

(4)Ex.P4 is the consent affidavit given by the 1st respondent stating that she has no objection in grant of Letters of Administration as prayed for.

(5)Ex.P5 is the consent affidavit given by the 2nd respondent stating that she has no objection in grant of Letters of Administration as prayed for.

(6)Ex.P6 is the consent affidavit given by the 3rd

respondent stating that she has no objection in grant of Letters of Administration as prayed for.

(7)Ex.P7 is the consent affidavit given by the 4th respondent stating that she has no objection in grant of Letters of Administration as prayed for.

(8)Ex.P8 is the affidavit of assets showing the net value of Estate as Rs.11,21,12,000/-.

(9)Ex.P9 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 20.03.2018.

(10)Ex.P10 a copy of paper publication effected in one issue of English Daily "Trinity Mirror" dated 28.03.2018.

6. One Mr.B.C.Badrinarayanan, S/o.Late B.Chandrasekar, who is one of the attestors of the Will dated 10.07.2006 was examined as P.W.2. In his evidence, he has stated that he was also present at the time of execution of the Will along with Mr.V.S.Mani who attested the Will as the second attesting witness in the presence of the Testator. He would further state that the testator was in sound, disposing state of mind, memory and understanding at the time of execution of the Will and that he was also one of the identifying witness at the time of registration of the Will. Ex.P11 is his affidavit in this regard.

7. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

8. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to 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. The petitioner is further directed to render true and correct accounts once in a year.

Sd/N.S.K.J.

12.06.2018

//Certified to be a true copy//

Dated this the th day of 2018.

DL/14.11.2018

COURT OFFICER

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

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