

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

TUESDAY, THE 3RD DAY OF JULY 2018

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P.No.1013 of 2015

In the matter of Indian
Succession Act, XXXIX of
1925
and

In the matter of Last
WILL and Testament of
Mr.R.Chakkarapani Nadar-
Deceased.

Mr.S.Chandrasekaran,
S/o.Mr.Late C.Selvam,
No.32, Kadumbadi Amman Koil Street,
Kodungaiyur,
Chennai-600 118

...Petitioner

-Vs-

1. Mrs.Shanmugakani,
W/o.Late Mr.R.Chakkarapani Nadar,
Old No.7, New No.13, II Avenue,
Ashok Nagar, Chennai-600 083.

2. Mrs.C.Rajeshwari,
D/o.Late Mr.R.Chakkarapani Nadar,
No.2/4, Nethaji Nagar, 1st Main Road,
Lakshminagar, Mudichur, Chennai-600 048.

3. Mr.C.Balasubramanian,
S/o.Late Mr.R.Chakkarapani Nadar,
Old No.8, New No.15, II Avenue
Ashok Nagar, Chennai-600 082.

4. Mr.C.Ramesh,
S/o.Late Mr.R.Chakkarapani Nadar,
Old No7, New No.13, II Avenue,
Ashok Nagar, Chennai-600 083.

5. Mrs.M.Chitra,
D/o.Late Mr.R.Chakkarapani Nadar,
No.1, Ashok Nagar, 10th Street,
Chennai-600 083.

6. Mrs.Anusuyadevi,
W/o.Mr.Selvam,
No.32, Kadumbadi Amman Koil Street,
Kodungaiyur, Chennai-600 118.

7. Selvi Ramya,
D/o.Mr.Selvam,
Minor Represented by her next friend and mother
Mrs.Anusuyadevi,
No.32, Kadumbadi Amman Koil Street,
Kodungaiyur, Chennai-600 118.

..Respondents

Original Petition praying that this Hon'ble Court be pleased that the Letter of Administration with the Will annexed may be granted to the petitioner as the grandson / beneficiary under the Will of the deceased having effect limited to the State of Tamilnadu.

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 read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Chakkarapani Nadar executed on 29.04.2003. The petitioner is the grandson of the said Chakkarapani Nadar, the first respondent is the wife and the respondents 2 to 5 are daughters and sons of the said Chakkarapani Nadrar. The said Chakkarapani Nadar died on 03.05.2003. Another son of the said Chakkrapani Nadar and the father of the petitioner

respondent is the mother of the petitioner and the seventh respondent is the sister of the petitioner. The deceased Chakkrapani Nadar executed the Will dated 29.04.2003. The petitioner is the beneficiary named under the Will. The third and fourth respondents have been appointed as executors of the Will. There is no other kith or kin available than the petitioner and the respondents. The petitioner after attaining majority has applied for grant of Letters of Administration in his favour. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.12,05,160/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.12,05,160/-. The petitioner hereby undertakes to duly administer the specified property and credits of the deceased in any way concerning his Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

4. The petitioner has examined himself as P.W.1 and one of the attesting witness, Mrs.N.Kasthuri has been

examined as P.W.2 and Ex.P.1 to P.10 have been marked.

5. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Chakkarapani Nadar executed on 29.04.2003. Ex.P.1 is the copy of the death certificate of Chakkarapani Nadar. Ex.P.1 has been filed to prove that the testator Chakkarapani Nadar died on 03.05.2003. The Will executed by Chakkarapani Nadar has been marked as Ex.P.2. Ex.P.2 Will has been executed by the said Chakkarapani Nadar on 29.04.2003. Ex.P.3 is the legal heirship certificate of the deceased Chakkarapani Nadar. Ex.P.3 has been filed to prove that the petitioner and the respondents are the legal heirs of the deceased. Ex.P.4 is a copy of the death certificate of the father of the petitioner. Ex.P.4 has been filed to show that the father of the petitioner died on 04.08.2000. Ex.P.5 is the copy of the legal heirship certificate of the father of the petitioner. Ex.P.5 has been filed to show that the petitioner and the first and sixth and seventh respondents are the legal heirs of the deceased Selvam. Ex.P.6 is the copy of the sale deed in favour of Chakkarapani Nadar. Ex.P.7 is the affidavit of assets showing the net value of the property as Rs. 12,05,160/-. Ex.P.8 and Ex.P.9 are paper publications, but none have objected for the same.

1. One Kasthuri, who is one of the attesting witness in the Will, was examined as P.W.2,. In her evidence, she has stated that the testator was in sound state of mind while executing the Will and she has also seen the testator signing the Will and the other attesting witness signing in the document. She has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. Ex.P.10 is the affidavit filed by P.W.2 in the regard. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

2.

6. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in his favour.

7. 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

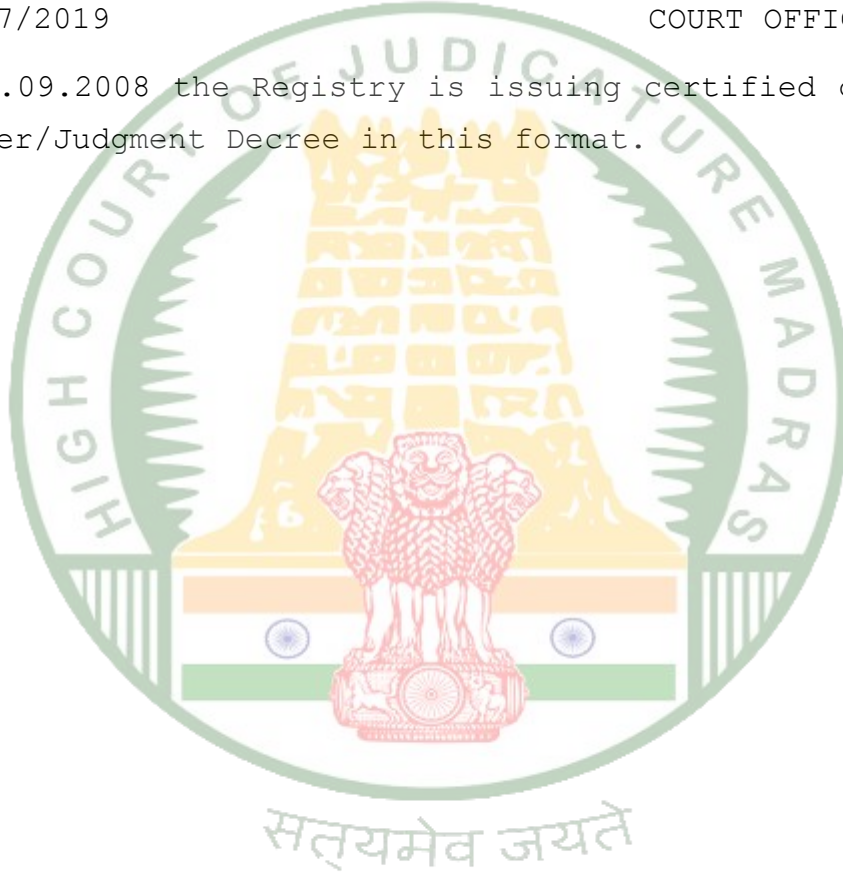
03.07.2018

//Certified to be a true copy//
Dated this the day of 2019.

SU/25/07/2019

COURT OFFICER

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



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