

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

WEDNESDAY, THE 10TH DAY OF JULY 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.153 of 2018

In the matter of Indian
Succession Act, XXXIX of
1925
and
In the matter of Last
WILL and Testament of
M.KESAVAN - Deceased.

1. Mrs.S.Prema Ashok,
D/o.Late M.Kesavan and
W/o.Mr.Ashok,
Residing at No:1226, Saw Mill Road,
4th Cross H.A.L., 3rd Stage,
New Thippasandra, Bangalore-599 075. ..Petitioner

-Vs-

1. Mrs.Parijatham,
W/o.Late M.Keavan,
Residing at No.:Old No.1 and 2, New No.2 and 3,
Rathan Nagar, Teynampet, Chennai-600 018.

2. Mrs.Nirmala,
D/o.Late.M.Kesavan and W/o.Late M.Srinivasalu,
Residing at: No.37,
Diamond Gate Apartments,
Flat B-3, Habibullah Road, T.Nagar, Chennai-600 017.

3. Mr.K.Sekhar,
S/o.Mr.Kesavan,
Residing at No.Old No.1 and 2, New No.2 and 3,
Rathna Nagar, Teynampet, Chennai-600 018.

4. Mrs.Sandhya Mohan,
W/o.Late K.Mohan,
Residing at No:Old No.1 and 2, New No.2 and 3
Rathna Nagar, Teynampet, Chennai-600 018.

5. Mr.K.Suresh,
S/o.Late M.Kesavan,
Residing at No:Old No.1 and 2,

New No. 2 and 3 Rathna Nagar,
Teynampet, chennai-600 018.

6. Mr.K.Prathap,
S/o.Late M.Kesavan,
Residing at No.Old No.1 and 2.
New No.2 and 3 Rathna Nagar, Teynampet,
Chennai-600 018.

..Respondents

Original Petition praying that this Hon'ble Court be pleased that a Letters of Administration with the Will and Testament annexed may be granted to the Petitioner herein viz., Mrs.Prema Ashok as daughter / beneficiary under the Will of the deceased having effect limited to the State of Tamil Nadu.

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

The petitioner seeks issuance letters of administration with the copy of the Will annexed in respect of the Will dated 14.06.2010 said to have executed by Late M.Kesavan, who died on 17.06.2016.

2. The petitioner is the daughter and the respondents are the wife and other children of the deceased Kesavan. The petitioner has examined herself as P.W.1. She has produced the death certificate of the deceased Kesavan as Ex.P1. The original Will has been marked as Ex.P2 and the photo copy of the legal heirship certificate has been marked as Ex.P4, after comparison with the original. The consent affidavits of the respondents 1, 2 and 4 have been marked as Exs.P5, P6 and P7. The respondents 3 and 5 have remained exparte. Though the 6th respondent had appeared

through counsel he has not filed any caveat opposing the grant. The petitioner has also examined one Mrs.S.Nirmala, wife of Late M.Srinivasalu as P.W.2. She is an attester to the Will. She had deposed about the execution of the Will by the testator and its attestation by herself and her mother Mrs.K.Parijatham.

3. In the light of the above evidence, I find that the petitioner has proved the Will and is entitled to letters of administration with the copy of the Will annexed. In fine, this original petition is allowed granting letters of administration with copy of the Will annexed in favour of the petitioner. The petitioner shall execute a bond for Rs.10,000/-.

Sd/.R.S.M.J

10.07.2019

//Certified to be a true copy//

Dated this the day of 2019.

SU/24/07/2019

COURT OFFICER

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