



O.P.No.408 of 2018

K.KALYANASUNDARAM, J.

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

2. In the petition, it is stated that the deceased G.Srinivasan was ordinarily residing at No.25, Venkatesan Naicken Street, Royapuram, Chennai and died on 29.10.2016 and left immovable properties mentioned as Item 1 to Item 5 of the A-schedule within the jurisdiction of this Court. The writing hereto annexed and marked with the Letter "A" is his last Will and Testament. The Will was duly executed at Chennai on 07.03.2011, which was duly registered as Document No.13 of 2011 (Book-III) in the Office of the Sub-Registrar of Royapuram, Chennai - 13. The deceased has not appointed any executor, but has directed that the property left behind by him which is morefully described in the A-Schedule shall devolve exclusively on the petitioners 1 to 3 herein, who are none other than his blood brothers sons. It is further stated that the deceased G.Srinivasan had married B.Balalakshmi on 03.02.1989 and subsequently, due to serious differences of opinion, his marriage with B.Balalakshmi was legally divorced by Mutual consent in the



Family Court, Chennai and he paid a sum of Rs.7,00,000/- towards one time payment for her life time maintenance and he has no children out of the wedlock.

3. It is further stated in the petition that the deceased G.Srinivasan's elder brother G.Murugadoss passed away on 22.09.2001, leaving behind his wife Smt.Nandini, the sixth respondent herein and one son by name M.Balaji, the first petitioner herein. The deceased G.Srinivasan's younger brother G.Venkatesh, the first respondent herein is residing at No.36/90, Aarthoon Road, Royapuram, Chennai - 600 013 along with his wife Smt.Sujatha and two sons, viz., V.Vineeth Raj and V.Harish, who are the petitioners 2 and 3.

4. It is further stated in the petition that the deceased G.Srinivasan had bequeathed B-Schedule mentioned properties in favour of the first petitioner, viz., M.Balaji, with full power of alienation and he gave life interest to the mother of the first petitioner, viz., Mrs.Nandhini with respect to Item-2 of the B-Schedule property; The deceased had bequeathed C-Schedule mentioned properties in favour of V.Vineeth Raj, son of G.Venkatesh, with full powers alienation subject to the condition that his parents, viz., G.Venkatesh Smt.Sujatha shall have life interest in the C-Schedule property without any power or right to encumber the same. The deceased had bequeathed D-



Schedule mentioned properties in favour of V.Harish, son of G.Venkatesh with full power of alienation subject to the condition that his parents, viz., G.Venkatesh and Smt.Sujatha shall have life interest in the D-Schedule property without any power or right to encumber the same.

5. It is further stated in the petition that the deceased G.Srinivasan had mentioned in the Will that neither his sisters nor his divorced wife B.Balalakshmi shall have any manner of right, title or interest over his absolute immovable properties, which is morefully described in the A-Schedule. The parents of the deceased G.Srinivasan predeceased him. The deceased passed away on 29.10.2016 at Chennai, leaving without any Class-I heirs and the petitioners and the respondents are his Class-II heirs. The petitioners alone are the beneficial legatees under the Will. The deceased G.Srinivasan left the following persons surviving him as his next of kind according to Hindu Law, 3 sisters, viz., (1) Smt.A.Kripalani (Deceased), (2) Smts.S.Dhanalakshmi, (3) Smt.K.Hamsavadhani, (4) G.Venkatesan. A.Kripalani died on 01.07.2016, leaving behind one son and daugther viz., Dr.A.Baskar and Mrs.Prassanna, who are the respondents 4 and 5. The second sister Smt.S.Dhanalakshmi is the second respondent herein and the third sister K.Hamsavadhani is the third respondent herein. The amount of assets which is likely to come to the petitioners hand does not exceed in the aggregate sum of Rs.10 Crores and



Twenty Lakhs 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.10 Crores and Twenty Lakhs. The petitioners have impleaded all the next of kin or other person interested as party respondents. There is no next of kin or other person interested to be impleaded. The petitioners undertake to duly administer the property and credits of the deceased G.Srinivasan 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 with Will to the petitioners and also to render true account of the said property and credits within one year from the said date. 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.

6.The first petitioner was examined as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P20

Ex.P1 is the original Last Will and Testament executed by his paternal uncle G.Srinivasan on 07.03.2011 registered as Doc.No.13 of 2011, at SRO, Royapuram

Ex.P2 is the computer generated death certificate of his paternal uncle



G.Srinivasan, who died on 29.10.2016

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Ex.P3 is the photocopy of death certificate of his paternal grandfather

A.Govindarajulu, who died on 02.08.1997

Ex.P4 is the photocopy of the Legal Heirship Certificate dated 04.05.2011 in respect of his paternal grandfather A.Govindarajulu

Ex.P5 is the photocopy of death certificate of his paternal grandmother G.Sarojeni, who died on 21.05.1985.

Ex.P6 is the photocopy of death certificate of his father G.Murugadass, who died on 22.09.2001

Ex.P7 is the photocopy of Legal Heirship Certificate dated 19.10.2001 in respect of his father G.Murugadass

Ex.P8 is the computer generated death certificate of his paternal aunt A.Kripalini, who died on 01.07.2016

Ex.P9 is the photocopy of sale deed (2 Nos.) dated 12.02.2008 registered as Doc.No.505 of 2008 at SRO, Neelangarai and another sale deed dated 12.02.2008 registered as Doc.No.506 of 2008 at SRO, Neelangarain in favour of his paternal uncle G.Srinivasan

Ex.P10 is the photocopy of the sale deed dated 06.09.1999 in favour of his father G.Murugadass and his paternal uncle G.Srinivasan registered as Doc.No.2883 of 1999 at SRO, Royapuram

Ex.P11 (Series 4 Nos) are the photocopy of sale deed dated 03.05.1995



registered as Doc.No.3836 of 1995 at SRO Adyar, photocopy of sale deed dated 22.11.2004 registered as Doc.No.6422 of 2004 at SRO, Neelangarai, photocopy of sale deed dated 06.07.2006 registered as Doc.No.4022 of 2006 at SRO, Neelangarai, photocopy of sale deed dated 15.11.1999 registered as Doc.No.2786 of 1999 at SRO, Neelangarai in favour of his paternal uncle G.Srinivasan

Ex.P12 is the consent affidavit given by the first respondent herein stating that he has no objection in grant of Letters of Administration in petitioners favour

Ex.P13 is the consent affidavit given by the second respondent herein stating that he has no objection in grant of Letters of Administration in petitioners favour

Ex.P14 is the consent affidavit given by the third respondent herein stating that she has no objection in grant of Letters of Administration in petitioners favour.

Ex.P15 is the consent affidavit given by the fourth respondent herein stating that he has no objection in grant of Letters of Administration in petitioners favour.

Ex.P16 is the consent affidavit given by the fifth respondent herein stating that she has no objection in grant of Letters of Administration in petitioners favour.



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Ex.P17 is the consent affidavit given by the sixth respondent herein stating that she has no objection in grant of Letters of Administration in petitioners favour.

Ex.P18 is the affidavit of assets showing the net value of the estate as Rs.10,20,00,000/-

Ex.P19 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 03.08.2018

Ex.P20 is a copy of paper publication effected in one issue of English daily "News Today" dated 10.08.2018.

7. One of the attestors of the Will dated 07.03.2011 viz., Mr.Shiv Kumar was examined as P.W.3. In his evidence, P.W.3 has stated that the testator executed his last Will and Testament on 07.03.2011 in his presence and in the presence of one Mr.S.Ramesh Kumar. P.W.3 subscribed his signature as second attesting witness along with Mr.S.Ramesh Kumar, who attested the Will as the first attesting witness in the presence of the testator. While executing the Will, the testator was in a sound and disposing state of mind, understanding, good health and memory. Ex.22 is his affidavit in this regard.



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8. The learned counsel for the petitioners would argue that the respondents have no objection for granting Letters of Administration in favour of the petitioners.

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

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

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