

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 24TH DAY OF APRIL, 2019

THE HON'BLE MRS. JUSTICE R.SUBRAMANIAN

O.P.No.45 OF 2018

In the matter of Indian
Succession Act XXXIX of 1925
AND

In the matter of the
Certified copy of Will and
Testament of
Late.R.Venkatachala Naicker

V.Seethapathy
S/o.Late.R.Venkatachala Naicker
2/30 Pillayar Koil Street,
Malayambakkam (North Village)
Chennai 600 123

... Petitioner

Vs.

1.Saraswathy
W/o.Late.R.Venkatachala Naicker
2/30 Pillayar Koil Street,
Malayambakkam (North Village)
Chennai 600 123

2.Shenbagavllli
D/o.Late.R.Venkatachala Naicker
72/29 Ellaiaimman Koil Street,
West Mambalam
Chennai 600 033

3.Varadarajan
S/o.Late.R.Venkatachala Naicker
2/71, Perumal Anjaneyar Sannathi Street,
Agaramel Village
Chennai 600 123

4.Sampath
S/o.Late R.Venkatachala Naicker
Correspondent
M.S.J.M.Hindu Vidyalaya Higher Secondary School
Meppur Road
Chennai 600 123

5. Anandan S/o. Late. Venkatachala Naicker
2/30, Pillayar Koil Street,
Malayambakkam (North Village)
Chennai -600 123

6. Umapathy
Govindasamy Street
Agramel Village
Via Nazarathpet
Chennai 600 123

7. H. Vijayalakshmi
Wife of (late) Harikrishnan
8. H. Sarath Kumar

9. Mahalakshmi

10. Nithya Lakshmi (minor)
Rep. by mother and guardian, H. Vijayalakshmi
Respondents 7 to 10 residing at
2/30, Pillayar Koil Street
Malayambakkam (North Village)
Chennai 600 123

11. K. Malathi W/o. Late. Kannan

12. Gokul Kumar

13. Nitish Kumar

Respondents 10 to 13 residing at
2/30, Pillayar Koil Street
Malayambakkam (North Village)
Chennai 600 123

14. S. Vijayakumar
2/30 Pillayar Koil Street,
Malayambakkam (North Village)
Chennai 600 123

15. S. Padmapriya
2/30, Pillayar Koil Street,
Malayambakkam (North Village)
Chennai 600 123

... Respondents

Original petition praying that this Hon'ble Court
that the Letters of Administration with the will annexed
may be granted to the Petitioner as one of the legatees
(son) under the Will of the deceased, giving effect limited

to the State of Tamil Nadu.

This Original Petition coming on this day before this Court for hearing, the Court made the followings order:-

This application has been filed seeking Letters of Administration for the last Will and Testament of late Mr.R.Venkatachala Naicker dated 04.04.2006.

2.The said Mr.R.Venkatachala Naicker died on 10.03.2008. The petitioner is the son and legatee. The respondents are the other legal heirs of the deceased Mr.R.Venkatachala Naicker. The respondents 4, 13 and 14 are appearing through counsel. They have no objection for granting Letters of Administration as prayed for. The other respondents though served are not appearing either in person or through counsel.

3.The petitioner has been examined as PW1. He has produced the death certificate of Mr. R.Venkatachala Naicker as Ex.P1 and the certified copy of the Will has been produced as Ex.P2. The legal heirship certificate has been produced as Ex.P3. The petitioner has also examined one Mr.Muthuswamy as PW2. He has identified the signature of Mr.P.Muthu one of the attesting witnesses.

4.From the evidence, I find the petitioner has proved the Will and is entitled to Letters of Administration as prayed for. Hence this Original Petition is allowed granting Letters of Administration for the Will dated 04.04.2006 with a copy of the Will annexed.

The petitioner 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.

Sd/.R.S.M.J

24.04.2019

//Certified to be a true copy//

Dated this the day of 2019.

COURT OFFICER

TE/09/05/2019

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