

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 31ST DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P.No.671 of 2018

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

In the matter of Last Will and
Testament of T.R.Thangavelu
Mudaliyar (Deceased)

1. E.KALPANA
D/o.P.Ekambaram, No.39/11,
Bharatheeswarar Colony, 2nd Street,
Kodambakkam, Chennai- 600 024
 2. E.SARAVANAN
S/o.P.Ekambaram, No.39/11,
Bharatheeswarar Colony, 2nd Street,
Kodambakkam, Chennai- 600 024 ..Petitioners
- Versus-
- Mr.P.EKAMBARAM,
S/o.Late Ponnambalam, No.39/11,
Bharatheeswarar Colony, 2nd Street,
Kodambakkam, Chennai- 600 024 ..Respondent

Original Application praying that this Hon'ble Court be pleased that Letters of Administration with Will dated 30.11.1987 annexed of the property and credits of deceased may be granted to the petitioners, as grand children / beneficiary under the Will of the said deceased, having limited to the State of Tamil Nadu.

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

The petitioners seek issuance of letters of administration in respect of the Will dated 30.11.1987 executed by Late T.R. Thangavelu Mudaliyar.

2. The petitioners are the grand children of Thangavelu Mudaliyar through his only daughter E.Narayani. The respondent is the father of the petitioners. As per the Will, the deceased has granted a life estate in favour of his wife and daughter and after their death, the properties are to be taken by the petitioners absolutely. It is seen that both Mangaiyarkarasi, wife of Thangavelu and Narayani, daughter of Thangavelu died on 18.02.2014 and 05.11.2007 respectively. Their death certificates have been filed as Exs.P4 and P5. The petitioners being the vested remainder holders become absolute owners of the property bequeathed to them under the Will. The death certificate of Thangavelu Mudaliyar has been filed as Ex.P1. It discloses that Thangavelu Mudaliyar died on 22.03.1996. The Original Will has been filed as Ex.P2. Publications have been made and no objections have been received. The respondent has filed consent affidavit expressing his no objection for grant of letters of administration in favour of the petitioners. The petitioners have also examined one P.Ramachandran as P.W.2. He is an attesting witness to the Will. He has deposed about the execution of the Will by the testator and its attestation by himself and one T.Rajendran.

3. In the light of the above evidence available on record, I find that the petitioners have proved the execution of the Will and are entitled to letters of administration with the copy of the Will annexed. In fine,

this original petition is allowed granting letters of administration in respect of the Will dated 30.11.1987 in favour of the petitioners. Petitioners shall execute a bond for Rs.10,000/- each.

Sd/.R.S.M.J

31.07.2019

//Certified to be a true copy//

Dated this the th day of 2019.

su/16.08.2019

COURT OFFICER

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



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