

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

WEDNESDAY, THE 17TH DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P.No.824 of 2018

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

In the matter of Last
Will and Testament of
Mr.N.Kanagasabapathy -
deceased

Mr.K.Sampath,
S/o.Late N.Kanagasabapathy,
New No.145/2, Old No.39/2, Bharatheeswarar Colony,
1st Street, Kodambakkam, Chennai-600 024. ..Petitioner

-VS-

1. Mrs.Kanniyammal,
W/o.Late N.Kanagasabapathy,
Plot No.29, Municipal Door No.1/54,
Flat No.F2, Bajana Koil Street,
Choolaimedu, Chennai-600 094.

2. Mr.K.Santhanam,
S/o.Late N.Kanagasabapathy,
New No.145/3, Old No.39/3, Bharatheeswarar Colony,
1st Street, Kodambakkam, Chennai-600 024.

3. Mrs.H.Pushpa
W/o.Late Hari Kumar

4. H.Karthick,
S/o.Late.Hari Kumar

5. H.Mythili,
D/o.Late Hari Kumar
Respondents 3 to 5 are residing at
No.37/64, Annanedum Pathai,
Kalaimagal Street,
Choolaimedu, Chennai-600 094.

6. Mr.Dhanapal,
S/o.Arumugam, No.120/4,
Chinna Street, Thimmavaram,
Chengalpattu.

7. Mr.D.Jayaprakash,
S/o.Mr.Dhanapal,
No.145/4, Chinna Street,
Thimmavaram, Chengalpattu.

8. Mr.D.Kothandan,
S/o.Mr.Dhanapal,
No.120/4, Chinna Street,
Thimmavaram,
Chengalpattu.

9. Mr.D.Kanagaraj,
S/o.Mr.Dhanapal,
145/4, Chinna Street,
Thimmavaram,
Chengalpattu.

10. Mr.M.Kalavathy,
W/o.Late Munusamy,
Plot No.29, Municipal Door No.1/54,
Flat No.F3, Bajana Koil Street,
Choolaimedu, Chennai-600 094. ..Respondents

Original Petition praying that this Hon'ble Court be pleased to grant Letters of administration with the WILL annexed to the petitioner being the son and the beneficiary of the said deceased N.Kanagasabapathy having effect throughout the state of Tamilnadu.

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

The petitioner seeks issuance of letters of administration with the copy of the Will annexed for the Will dated 21.03.2007 executed by late N.Kanagasabapathy.

2. The petitioner is the son of Kanagasabapathy. The respondents are the wife and other legal heirs of the deceased N.Kanagasabapathy. The petitioner has examined himself as P.W.1, he has produced the original registered

Will as Ex.P1. The death certificate and the legal heirship of N.Kanagasabapathy have been produced as Exs.P2 and P3 respectively. The death certificate and the legal heirship certificate of K.Harikumar, one of the sons of Kanagasabapathy have been marked as Exs.P6 and P7 respectively. Exs.P8 and P9 are the death certificate and legal heirship certificate of Mrs.Devika, daughter of Kanagasabapathy. Ex.P10 (series 10 Nos) are the consent affidavits given by the respondents expressing their consent for grant of letters of administration to the Will. The petitioner has also examined one K.Santhanam as P.W.2, who is the son of Kanagaabapathy. He has spoken about the execution of the Will by the testator and its attestation by himself and his brother K.Harikumar.

3. In view of the said 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 the copy of the Will annexed in favour of the petitioner. Petitioner shall execute a bond for Rs.10,000/-.

Sd/.R.S.M.J
17.07.2019

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

SU/02.08.2019

COURT OFFICER

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