

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF FEBRUARY, 2019

THE HON'BLE MRS. JUSTICE R.SUBRAMANIAN

O.P.No.291 OF 2014

In the matter of Indian
Succession Act

And

In the Matter of Certified
copy of Last Will and
Testament of DESI CHANDRAMMA
(Deceased)

Veda Padmapriya
W/o Sri A V.R.K.Kumar
501, Lalitha Manor, 16 & 17
Balaji Nagar,
Visakhapatnam
Andrapradesh

... Petitioner

Vs.

Natha Murlai Krishna
No.30, Sarojinistreet,
T.Nagar,
Chennai - 600017

..Respondent

Original petition praying that this Hon'ble Court be
pleased that Letter Administration with the WILL annexed
may be granted to her as the grand daughter/beneficiary
under the last Will of the said deceased having effect
throughout the state of Tamil Nadu.

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

O.P.No.291 of 2014 has been filed for grant of
letters of administration with the Will annexed for the
Will executed by one Desu Chandramma on 27.10.1975. The
said Desu Chandramma died on 01.06.1984.

2. The petitioner filed A.No.3999 of 2012 seeking issuance of citation to the respondent, who is the executor under the Will to produce the original Will dated 27.10.1975. Since the said citation was not complied with, this Court had permitted the petitioner to file the petition for grant of letters of administration with the copy of the Will by order 28.01.2013. Subsequently, original petition came to be filed on 24.09.2013. Though the respondent filed a caveat, the caveat has been discharged.

3. The petitioner has been examined as P.W.1, she has produced the certified copy of the registered Will dated 27.10.1975 as Ex.P2, the death certificate of Desu Chandamma has been filed as Ex.P1. In her evidence, she stated that both the attesting witnesses Mr.R.Gopalakrishna and Mr.P.K.Balasubramanian are no more. She has examined one C. Mohana Krishna as P.W.2, the said Mohana Krishna had identified the signature of the testatrix in Ex.P2. He has also stated that he accompanied the testatrix to the Registrar's office for registration of the Will Ex.P2, he would further depose that the two attesting witnesses signed the Will in his presence. His affidavit has been marked as Ex.P6. Though P.W.2 has been cross-examined by the learned counsel for the first respondent, nothing significant has been brought about in the cross-examination. Even in cross-examination, he had clearly stated that he was present when the the attestor and the testatrix signed the Will. The evidence, in my opinion, is sufficient to declare that the Will has been proved in terms of Section 69 of the Evidence Act.

4. In view of the same, I am satisfied with the execution and attestation of the Will dated 27.10.1975 has been proved in accordance with law and the petitioner is

entitled to letters of administration with the copy of the Will annexed. Hence, this Original petition is allowed granting letters of administration with the copy of the Will annexed. Petitioner shall execute a bond for Rs.25,000/-.

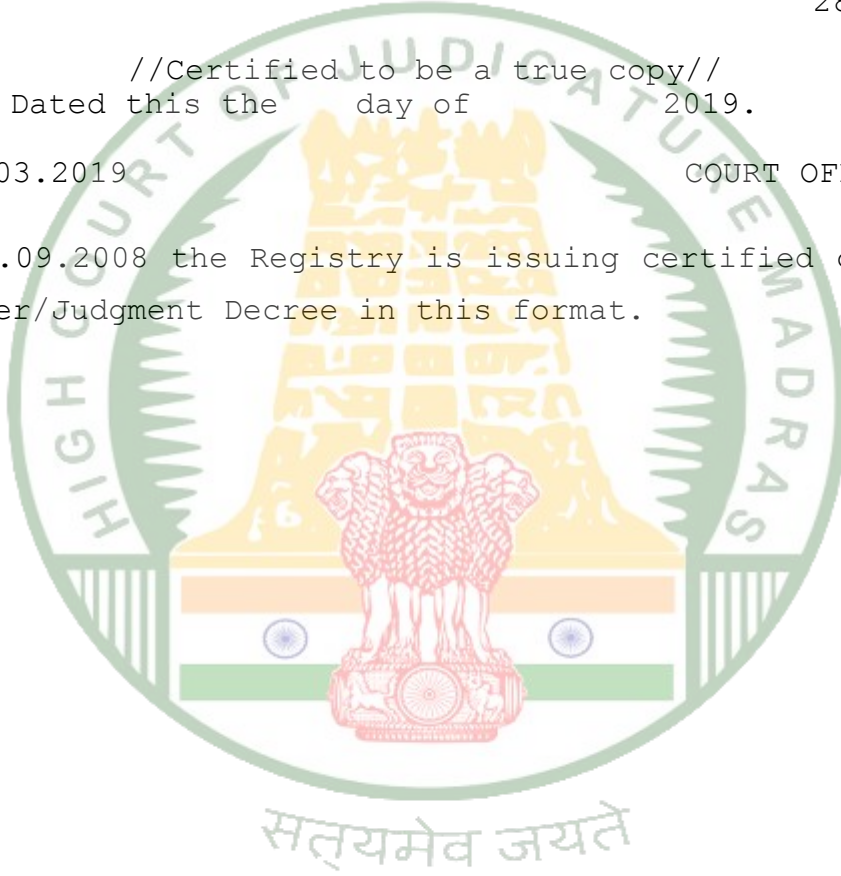
Sd/.R.S.M.J.
28.02.2019

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

GJM/29.03.2019

COURT OFFICER

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



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