



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 7TH DAY OF MARCH, 2019

THE HON'BLE MRS. JUSTICE R.SUBRAMANIAN

O.P.No.1046 OF 2017

IN THE MATTER OF INDIAN
SUCCESSION ACT XXXIX OF 1925
AND
IN THE MATTER OF THE LAST
WILL AND TESTAMENT OF SHRI
T.A.RAJAGOPALAN (DECEASED)

R.P.Sarathy
S/o Late Shri T.A.Rajagopalan
Flat No.12 Sushmita Apts,
27, Reddy Kuppan Road,
West Mambalam, Chennai 600 033.

... Petitioner

Vs.

1. R. Rajam
W/o Late Shri.T.A.Rajagopalan,
Plot No.444, Guru Smaran,
B4 Road, TNHB Layout,
Sholinganallur, Chennai 600 119.

2. R.Venkatasubramaniam
S/o Late Shri.T.A.Rajagopalan,
Plot No.444, Guru Smaran,
B4 Road, TNHB Layout,
Sholinganallur, Chennai 600 119.

...Respondents

Original petition praying that this Hon'ble Court be
pleased to letters of Administration with the will annexed
may be granted to the Petitioner as the sole beneficiary of
the will and as the son of the deceased having effect
through out the State of Tamil Nadu, pass such further or
other orders as this Hon'ble Court.



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

This petition has been filed seeking issuance of Letters of Administration with the Will annexed for the last Will and Testament dated 15.02.1995, executed by T.A.Rajagopalan, who died at Chennai on 22.04.2017. The petitioner is one of the sons of the deceased T.A.Rajagopalan. The other son and the wife are the respondents. Though, the respondents have filed caveat, they have not filed any supporting affidavit setting out the objections. Hence the caveat is not registered.

2. The petitioner has examined himself as P.W.1. He has produced the Original Will dated 15.02.1995 executed by the deceased T.A.Rajagopalan and the same has been marked as Ex.P1. He also produced the death certificate of the deceased T.A.Rajagopalan, as Ex.P2 and the Legal Heirship Certificate as Ex.P3. One Mr.Patrick Madhusudhan Mathews, has been examined as P.W.2. He has identified the signature of one of the attester M.Kishore Babu as well as that of the testator. Considering the evidence on record, the petitioner has proved the execution of the Will by the testator. A publication has been effected and no objections have been received.

<https://hcservices.ecourts.gov.in/hcservices/> 3. Since the mother namely, the first respondent expressed that she does not have a place to stay, the



petitioner is directed to file an affidavit for undertaking to pay the monthly rent of Rs.8,000/- received by him from the property in question to the mother.

4. In view of the same, this original petition is allowed granting Letters of Administration with the Will annexed in favour of the petitioner, the petitioner shall pay the monthly rent received by him from the property in question to the mother till her lifetime.

Sd/.R.S.M.J
07.03.2019

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

GJM/15.03.2019

COURT OFFICER

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