

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

WEDNESDAY, THE 13TH DAY OF MARCH 2019

THE HON'BLE MR.JUSTICE R. SUBRAMANIAN

O.P.No.678 of 2017

In the matter of the Indian
Succession Act, 39/1925

And

In the matter of Will and
Testament of Annamalai
Mudaliyar(Deceased)

Mr.A.Natarajan,
S/o.Late C. Annamalai Mudaliyar,
No.31, Azad Nagar, Aminjikarai,
Chennai - 600 .

...Petitioner

Versus

1.Mr.A.Ekambaram,
S/o.Late C.Annamalai Mudhaliyar,
No.74,Basha Sahib Street, Choolaimedu,
Chennai 600 094.

2.Mr.A. Gopal,
S/o.Late C.Annamalai Mudhaliyar,
No.5, Sharfudeen Sahib Street,Choolaimedu,
Chennai 600 094.

3.Mr.A.Lingesan,
S/o.Late C.Annamalai Mudhaliyar,
No.74,Basha Sahib Street, Choolaimedu,
Chennai 600 094.

4.Mr.A.Visvanathan,
S/o.Late C.Annamalai Mudhaliyar,
No.5, Sharfudeen Sahib Street,Choolaimedu,
Chennai 600 094.

5.Mrs.Dhairiyalkshmi,
S/o.Late C.Annamalai Mudhaliyar,
No.5, M.M.D.A Colony,
Chennai 106

...Respondents

Original Petition praying that this Hon'ble Court be pleased to Letters of Administration with annexed may be granted to him as the son/one of the Legatees under the said Will of the said deceased and having effect limit of the Tamil Nadu State.

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

The petitioner seeks Letters of Administration with the Will annexed for the last Will and testament dated 28.07.1994 executed by Annamalai Mudaliar who died on 05.02.1996.

2. The respondents are the other children of Annamalai Mudaliar. The petitioner has examined himself as PW1. He has produced the death certificate of Annamalai Mudaliar as Ex.P1, the original Will dated 28.07.1994 as Ex.P2, the death certificate of A.Loganayaki Ammal wife of Annamalai Mudaliar as Ex.P3 and legal heirship certificate of Annamalai Mudaliar as Ex.P4. From Ex.P4 it is seen that the petitioner, respondents and Tmt.Loganayaki Ammal are the legal representatives of the deceased Annamalai Mudaliar. The respondents have filed consent affidavits expressing their consent for grant of Letters of Administration with the Will annexed in favour of the petitioner. Those consent affidavits have been marked as Exs.P5 to P9. The petitioners have also examined one Palani as PW2 who is acquainted with the signatures of Annamalai Mudaliar and his wife Loganayaki Ammal who figures as one of the attesting witness to the Will.

3. In view of the above evidence, I am satisfied that the petitioner has proved the Will and is entitled to Letters of Administration with the Will annexed. This Original Petition is therefore allowed, granting Letters of Administration with a copy of the Will annexed.

Consequently, the connected applications are allowed. 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

13.03.2019

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

IG/24.04.2019

COURT OFFICER

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