

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

TUESDAY, THE 13th DAY OF AUGUST 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.P. No.807 of 2017

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

In the matter of the Last Will
and Testament of Sri.T.S.N.Murthy
Deceased

Mr.Keshav Prasad,
S/o.Late Durga Prasadam
Flat No.67, Prasanthi Nagar,
Hyder Nagar,
Hyderabad 500 085
Telangana, now at Chennai at
HIG 20/E, South Avenue,
Kamarajar Nagar,
Thiruvanmiyur, Chennai 600 041

...Petitioner

-VS-

Mrs.Avasarala Rathnavathy,
W/o.Mr.Achanna Panthulu
LIG -55, 7th Phase,
K.P.H.B.Colony, Kukatpally,
Hyderabad 500 072
Telengana

...Respondent

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Original Petition praying that this Honble Court
be pleased that Letters of Administration with the Will
annexed may be granted to him, as the co-
brother/beneficiary under the Said Will having effected
through out the State of Tamil Nadu and limited to the
properties mentioned in the Affidavit of Assets.

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

This Original Petition has been filed seeking Letters of Administration for the last Will and Testament of late Mr.T.S.N.Murthy dated 07.06.2014.

2. The said Mr.T.S.N.Murthy died on 24.03.2017 and his wife Mrs.T.Udayani also predeceased him on 03.11.2003. The petitioner is the co-brother and the respondent is the sister. The petitioner has been examined as PW1. He has produced the death certificate of Mr. T.S.N.Murthy as Ex.P1 and the death certificate of his wife as Ex.P2. The Original Will has been produced as Ex.P3. Necessary paper publication has been made and no objections have been received.

3. The respondent had appeared through counsel and has filed consent affidavit signifying her consent for grant of Letters of Administration, in respect of the immovable property she would however pray that there are fixed deposits left behind by Murthy and that she would be entitled to same as Class-2 legal heir. There is no bequest relating to the fixed deposit in the Will.

4.The petitioner has also examined one Mr.S.R.Sankaranarayanan as PW2, who is the Second attesting witnesses to the Will. He has deposed about the execution of Will by the testator and its attestation

by himself and one Mr.S.Parthasarathy.

5. In view of the evidence, I find that the petitioner has proved the Will and is entitled to Letters of Administration as prayed for. Hence, this Original Petition is allowed granting Letters of Administration for the Will dated 07.06.2014 with a copy of the Will annexed. The petitioner shall execute a security bond for a sum of Rs.10,000/- (Rupees ten thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras.

sd/-R.S.M.J

13.08.2019

//Certified to be a true copy//

Dated this the day of 2019.

R.s/03.09.2019

COURT OFFICER

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

सत्यमेव जयते

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