

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

MONDAY, THE 09TH DAY OF NOVEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No. 143 of 2020

In the matter of Indian Succession Act
XXXIX of 1925 and
In the matter of Last Will and
Testament of P.Narayanasamy –
Deceased.

1. N.BABUJI SUKUMAR
SON OF P.NARAYANASAMY,
36, MOUNA SAMY MADAM STREET,
VENKATAPURAM, AMBATTUR,
CHENNAI-600 053

2. CHITRA SUKUMAR
W/O.N.BABUJI SUKUMAR,
36, MOUNA SAMY MADAM STREET,
VENKATAPURAM, AMBATTUR,
CHENNAI-600 053

3. N.CHELVANAMBI
S/O.P.NARAYANASAMY,
AH-95/40, FOURTH STREET,
ANNA NAGAR, CHENNAI-600 040

4. SULOCHANA CHELVANAMBI
W/O.N.CHELVANAMBI,
AH-95/40, FOURTH STREET,
ANNA NAGAR, CHENNAI-600 040

..Petitioners

This Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with the Will annexed dated 22.04.1999 registered as document No.64/1999 before the Sub Registrar's office, Anna Nagar, may be granted to them as the sons and daughter in laws, beneficiaries under his Will of the Deceased P.Narayanasamy, having effect throughout the State of Tamil Nadu.

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

Instant Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in respect of the last Will and Testament of P.Narayanasamy, S/o. K.Pitchaimuthu Pillai.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one P.Narayanasamy, executed and registered on 22/4/1999, in favour of his wife and petitioners. Deceased Narayanasamy, is the father of the first and third petitioners and father-in-law of the second and fourth petitioners. The deceased Narayanasamy, bequeathed the life interest in the petition schedule mentioned property in favour of his wife, without any powers of alienation. The life interest holder Krishnaveni Narayanan died on 10/3/2019.

3. Testator P.Narayanasamy did not appoint any executor under the Will dated 22/4/1999, before the Sub-Registrar, Annanagar. As the property comprised in the Will is situate in the City of Chennai, it is just and necessary that the Will should be probated. The petitioners were under the impression that there is no need for probating the Will, as the said Will was a registered document. Now, the petitioners came to know that it is necessary that the Will has to be probated, they filed the instant Original Petition for the grant of Letters of Administration.

4. Petitioners submit that the amount of the value of the assets does not exceed in aggregate the sum of Rs.2,55,36,750/- and the net amount of the said asset after deducting the items which the petitioner is by way allowed to deduct is of the value of Rs.2,55,36,750/-. The petitioners undertake to duly administer the specified property and credits of the deceased in any way concerning his Will by paying the debts, if any, so far as the assets will extend and to make full and true inventory thereof and execute the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

5. The first petitioner has examined himself as P.W.1 and the attesting witness Mr.R.Parasuraman, has been examined as P.W.2 and Exs.P.1 to P.10 have been marked.

6. Ex.P.1 is the photocopy of the sale deed dated 24/5/1985 by the Tamil Nadu Housing Board, in favour of the father of P.W.1, registered as Doc.No.1997 of 1985 at Sub-Registrar Office, Annanagar, Chennai. Ex.P.2 is the last original Will and testament executed by the father of P.W.1 on 22/4/1999. Ex.P.3 is the computer generated death certificate of the deceased P.Narayanasamy. Ex.P.4 is the photocopy of the legal heirship certificate dated 14/2/2001 in respect of the deceased. Ex.P.5 is the computer generated death certificate of the mother of P.W.1, who died on 10/3/2019. Ex.P.6 is the photocopy of computer generated certificate of legal heirship certificate dated 26/11/2019 in respect of the mother of P.W.1. Ex.P.7 is the photocopy of property tax demand card. Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.2,55,36,750/-. Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.2,55,36,750/-. Ex.P.9 is the copy of paper publication effected in one issue of Tamil daily “Dinakural” dated 14/9/2020. Ex.P.10 is the copy of paper publication effected in one issue of English daily “Virtual Times”

7. Exs.P.3 and P.5 have been filed to prove that the father and mother of P.W.1 were died on 3/7/1999 and 10/3/2019, respectively. Ex.P.6 is the legal heirship certificate in respect of the mother of P.W.1. Exs.P.9 and P.10 have been filed to prove the paper publication effected in Tamil and English daily on 14/9/2020 and 3/9/2020, respectively.

8. One Mr.R.Parasuraman, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he has attested the Will as second attesting witness in the Will. He has also stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testatrix signing the Will.

9. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

10. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to 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. The petitioners are further directed to render true and correct accounts once in a year.

Sd/.N.S.K.J.
09.11.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/23.11.2020

COURT OFFICER(O.S.)

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



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