

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.655 of 2019

1.T.J.Anantha Krishnan

2.T.C.Balaji

... Petitioners

Vs

1.Ramabai

2.Sasikala

3.Latha Devi

4.Meera Bai

... Respondents

Prayer: Original Petition filed under Section 232 & 276 of Indian Succession Act, 1925 read with order XXV rule 5 of Original Side Rules.

For Petitioners

सत्यमेव जयते

Mr.J.Karunanithi

For Respondents

:

No Appearance

ORDER

The above petition is filed for grant of Letters of Administration of the will of Late T.S.Jayagopal Chetty.

2. The learned counsel for the petitioners would submit that the Testator T.S.Jayagopal Chetty was the father of the first petitioner and the grand father of the second petitioner. The wife of the Testator T.J.Rukmaniammal had predeceased the Testator on 21.01.1983. The Testator had died on 09.03.1998 leaving behind him surviving his two sons namely Chandraseghar (father of the second petitioner) and Anantha Krishnan, the first petitioner herein and four daughter namely Ramabai, Sasikala, Latha Devi and Meerabai, who have been shown as the respondents herein. Prior to his death, the Testator had executed a Will dated 08.05.1996, which was registered as Document No.17 of 1996 in Book III on the file of the Sub-Registrar, Sowcarpet. He had appointed his eldest son Chandraseghar as the Executor of his Will. However, the said Chandraseghar passed away on 25.04.2005 and therefore this petition has been filed by the petitioners herein for grant of Letters of Administration.

3 The second petitioner had examined himself as P.W.1, marked the following documents :-

Sl.No		Description of Documents
1	Ex.P1	The photocopy of the death certificate of T.S.Jayagopal Chetty, who died on 09.03.1998 (Marked after comparing and verifying with the original).

Sl.No		Description of Documents
2	Ex.P2	The computer generated death certificate of Rukmaniammal, who died on 21.01.1983.
3	Ex.P3	The photocopy of the Legal Heirship certificate dated 17.04.1998 in respect of T.S.Jayagopal (Marked after comparing and verify with the original).
4	Ex.P4	The photocopy of the certified copy of the death certificate of J.Chandraseghar, who died on 25.04.2005 (Marked after comparing and verifying with the original)
5	Ex.P5	The photocopy of the Sale Deed dated 02.02.1996 executed in favour of T.S.Jayagopal Chetty (Marked after comparing and verifying with the original)
6	Ex.P6	The original Will and Testament dated 08.05.1996 executed by T.S.Jayagopal Chetty, which has been attested by two attesting witnesses namely 1. A.Dhamodharan and 2. P.Chandraiah Chetty.
7	Ex.P7	The computer generated death certificate of T.J.Kulasekaran, who died on 16.07.1980.
8	Ex.P8	The photocopy of the certified copy of the Legal Heirship certificate dated 14.06.2005 in respect of J.Chandraseghar (Marked after comparing and verifying with the original)
9	Ex.P9	The photocopy of the Aadhaar card of the 1 st petitioner T.J.Anantha Krishnan, bearing No.4089 8638 6851 (Marked after comparing and verifying with the original)
10	Ex.P10	The photocopy of the Aadhaar card of the 2 nd petitioner T.C.Balaji, bearing No.9022 6241 9613 (Marked after comparing and verifying with the original)
11	Ex.P11	The affidavit of assets showing the net value of the estate as Rs.80,00,000/-
12	Ex.P12	A copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 12.02.2020.
13	Ex.P13	A copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 20.02.2020.

4. Since, both the attesting witnesses were no more, the son of one of the attesting witnesses P.Chandraiah Chetty has been examined as P.W.2 and he would identify the signature of his father found in the Will Ex.P6. The signature so identified and marked as Ex.P6 and the affidavit of the witness marked as Ex.P14.

5. The learned counsel appearing on behalf of the petitioners would reiterated the above contentions and would submit that the Will has been proved in the manner known to law and since the attesting witnesses are no more, one of the attesting witness's signature has been proved by examining his son.

6. Heard the learned counsel and perused the papers.

7. From the evidence and documents, it is clearly evident that the said T.S.Jayagopal Chetty had died leaving behind his two sons and four daughters and the elder son Chandraseghar had also died on 25.04.2005, who was the Executor of the Will and since he was no more, the petitioners have filed the above Original Petition for grant of Letters of Administration.

Though, the attesting witnesses are no more, the petitioners have examined the son of one of the attesting witnesses who was testified to the fact that the signature found in the Will of the attesting witness P.Chandraiah Chetty is that of his father.

8. Therefore, considering the fact that the Will has been proved in the manner provided under Sections 68 and 69 of the Indian Evidence Act, the Original Petition is ordered and the petitioners are granted the Letters of Administration of the Will of late T.S.Jayagopal Chetty to have a limited effect within the State of Tamil Nadu.

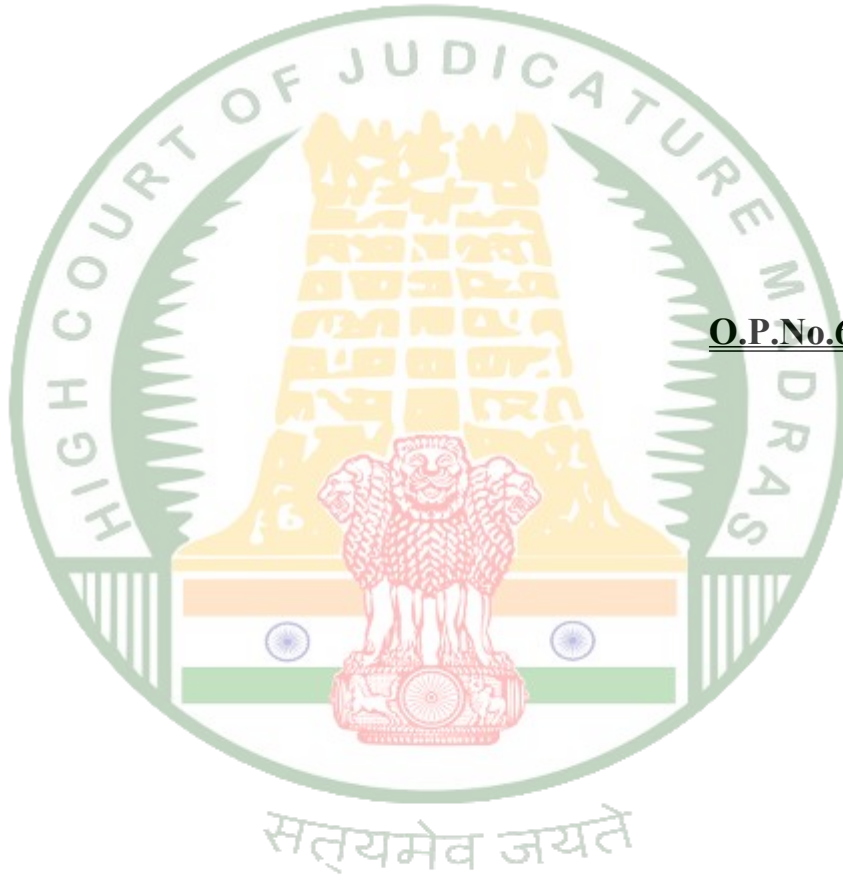
9. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) in the name of the Assistant Registrar (Original Side), High Court of Madras. In addition, the petitioners shall also provide a full and true inventory of the properties and credits and also true accounts thereof within a period of six months and one year, respectively, from the date of grant.

25.09.2020

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P.T. ASHA. J.

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