

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.400 of 2019

1.Geetha Gopi
2.S. Radhika

... Petitioners

-Vs.-

1.G. Shashikala
2.G. Surendar @ G. Surendhra Maliya,
3.G. Shyama
4.G.M. Srinivasa Maliya
5.M.Baskar
6.S. Srinivasan
7.C.N. Nandagopal
8.Thenkumari Krishnan

... Respondents

Prayer: Original Petition filed under Sections 232 and 276 of the Indian Succession Act and XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules praying that the Letters of Administration with the Will dated 27.08.2015 annexed, may be granted to the petitioners, as niece/beneficiary/legatees of the said deceased limited to the assets bequeathed to the petitioners having effect throughout the State of Tamil Nadu.

For petitioner : M/s.Paul and Paul

ORDER

This petition has been filed praying for the grant of Letters of Administration with the Will dated 27.08.2015 annexed executed by Late.N. Kanaka having effect throughout the State of Tamil Nadu.

The facts contained in the petition are as follows:

2.The testatrix Kanaka, the daughter of C.G. Narayana Rao had died as Spinster on 22.01.2019 at Chennai. At the time of her death, she had left 1/8th share in the property at Plot No.485, 17th Street, 4th Sector, K.K. Nagar, Chennai – 600 078. The said share had been received by her from her elder sister one N. Sundari under a registered Will dated 31.03.2014. The said Will is pending for probate on the file of this Court.

3.It appears that Ms.Kanaka had executed a Will dated 27.08.2015 which is the subject matter of the present petition in and by which she had bequeathed her 1/8th share in favour of the petitioners herein. The 1st

petitioner had adduced evidence as PW1 and has marked Ex.P.1 to Ex.P.28. The consent affidavits of all the respondents have been marked as Ex.P.33 to Ex.P.40. Necessary paper publications have also been issued and marked as Ex.P.41 and the Original Will has been marked as Ex.P.1. Mr.R. Srinivasan, one of the attesting witnesses has been examined as PW2 and he had adduced evidence to the effect that the execution of Ex.P.1 - Will by the testatrix was witnessed by him and the other attesting witness and their signatures in the Will as witnesses has also been done in the presence of the testatrix, who had seen them so attest the Will.

4.Considering the fact that the oral and documentary evidence would show that the Will has been proved in the manner known to law and that the respondents have all given their consent to the grant of Letters of Administration in favour of the petitioners the petitioners are entitled to the grant. The petitioners have also taken necessary publications and no objections have been received. The consent affidavits which have been given to the deceased testatrix in the earlier O.P.No.915 of 2017 have been marked as Ex.P.20 to Ex.P.27.

In the light of the above, this Original Petition is allowed as prayed
for.

07.07.2020

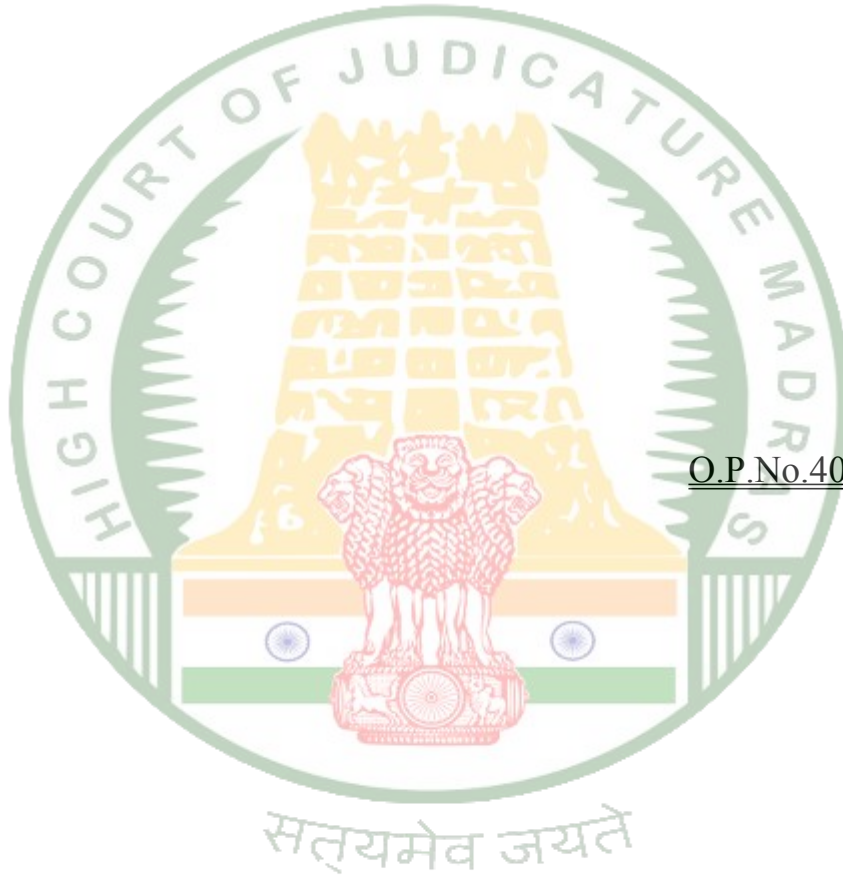
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