

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

WEDNESDAY, THE 05TH DAY OF FEBRUARY 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P. No.484 of 2018

In the matter of Indian Succession
Act, XXXIX OF 1925

and

In the matter of the Last Will and
Testament of Mrs.V.Meera (deceased)

1. M.S.JAGANMOHAN

S/o.M.S.Sundaramoorthy Old No.38,
New No.89/1, Apparsamy Koil Street,
Mylapore, Chennai-600004.

..Petitioner

-VS-

1. M.S.SUNDARAMURTHY ** (deceased)

S/o.M.K.Somasundaram

2. M.S.BALASUNDARAM @

M.S.Balasubramaniam

S/o.M.K.Somasundaram

both residing at Old No.38,
New No.89/1, Apparsamy Koil Street,
Mylapore, Chennai-600004.

**** 3. MRS.M.S.RAJESWRI**

W/o.Late M.s.Sundramoorthy,

Old No.38, New No.89/1,

**Apparsamy Koil Street, Mylapore,
Chennai-600004.**

**** 4. M.S.BANUMATHI**

D/o M.S.Sundramoorthy

Old No.38, New No.89/1,

**Apparsamy Koil Street, Mylapore,
Chennai-600004.**

**** (R3 and R4 L.Rs of 1st Respondent,
L.Rs brought on record as per Order dated
25.02.2019 in A.No.655 to 657/2019)**

..RESPONDENTS

Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with Will annexed may be granted to the petitioner as the nephew, the sole beneficiary and legatee under the Will of the deceased V.Meera having limited to the State of Tamilnadu.

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

This petition has been filed for the grant of Letters of Administration with the Will annexed to the petition.

2. I heard the learned counsel for the petitioner.

3. The first respondent is the father of the petitioner and he died while the petition was pending. His legal heirs were impleaded as respondents 3 & 4. The third and fourth respondents have submitted their consent affidavits stating that they have no objection for grant of the Letters of Administration in favour of the petitioner.

4. R2 has not entered appearance in the matter in spite of service of

notice

5. The learned counsel for the petitioner submitted that the petitioner is the nephew of the testatrix, the late Mrs.V.Meera, who ordinarily resided at No.89/3, Apparsamy Koil Street, Mylapore, Chennai-600 004. She died on 04.03.2014. During her lifetime, she executed a Will dated 29.08.2013. The petitioner is the sole legatee under the said Will. In order to prove the Will, the learned counsel for the petitioner submitted that evidence was adduced by examining the petitioner as PW1. During the course of the examination in chief of PW1, 13 documents were exhibited.

6. In addition, the learned counsel for the petitioner submitted that one of the attesting witnesses was examined as PW2 and that PW2 deposed that she was well acquainted with the testatrix, who was her co-sister. She also deposed that the last Will and Testament(Ex.P2) was executed on 29.08.2013 in her presence and in the presence of the other attesting witness, Mr.V.Rajagopal. Based on the foregoing, the learned counsel for the petitioner submitted that the petitioner is entitled for the grant of Letters of Administration.

7. I considered the submissions of the learned counsel for the petitioner and examined the evidence placed on record in this case. I find that the testatrix's Death Certificate has been marked as Ex.P1 and this document shows that she died on 04.03.2014. The original Will executed

SRO, Mylapore has been marked as Ex.P2. This document discloses that the petitioner is the sole legatee. It further discloses that the attesting witnesses are Mrs.M.S.Rageswari and Mr.V.Rajagopal. The said M.S.Rajeswari has deposed as PW2. During her deposition, she has stated that she was well acquainted with the testatrix because the testatrix was her co-sister. She has also deposed that the last Will and Testament was executed on 29.08.2013 in her presence and in the presence of Mr.V.Rajagopal. In addition, she has deposed that the testatrix was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P2. Further, she has deposed that she was one of the identifying witnesses of the Will at the time of registration of the Will before the SRO, Mylapore.

8. Upon considering the evidence on record in this case, I find that the petitioner has proved the Will in accordance with law.

9. Therefore, this petition is allowed by directing that Letters of Administration with the Will annexed be granted to the petitioner in respect of the last Will and Testament dated 29.08.2013 of Mrs.V.Meera to have effect throughout the State of Tamil Nadu. The petitioner is directed to 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

properties and credits and also render a full and true account within a period of six months and one year, respectively, from the date of grant of Letters of Administration.

Sd/.S.K.R.J.

05.02.2020

//Certified to be a true copy//

Dated this the th day of 2020.

SU-26.02.2020

COURT OFFICER

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



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