

O.P.No.822 of 2018

SENTHILKUMAR RAMAMOORTHY J.

This Petition is filed under Section 232 and 276 of the Indian Succession Act, 1925 r/w Order XXV Rule 4 of the Original Side Rules for grant of Letters of Administration with the Will annexed to the Petitioner in respect of the Last Will and Testament of the late P.Vadivel Mudaliyar.

2. I heard the learned counsel for the Petitioner. The learned counsel for the Petitioner submitted that the Petitioner is the daughter of the testator, the first respondent is the wife, the 2nd and 5th respondents are the sons and the 3rd and 4th respondents are the wife and daughter, respectively, of the predeceased son, namely, V.Arumugham. He further submitted that the said Last Will and Testament was executed at Kancheepuram on 27.03.2003 and registered as Document No.50 of 2003 in Book III of the Office of the Joint Sub-Registrar-II, Kancheepuram.

3. In order to prove the Will, the learned counsel submitted that the petitioner was examined as P.W.1 and the following 14 documents were exhibited through P.W.1 as Exs.P1 to P14:

(1) Ex.P1 is the original Will dated 27.03.2003 executed by Mr.P.Vadivel Mudaliar which has been attested by two attesting witnesses namely 1.Mr.Muthukrishnan and 2. Mr.R.T.Radha Krishnan. Ex.P1 Will was registered as Doc.No.50 of 2003 on the file of the office of the Joint Sub Registrar-II, Kanchipuram.

(2) Ex.P2 is the photocopy of the death certificate of the testator, P.Vadivel, who died on 21.01.2017.

(3) Ex.P3 is the photocopy of the Legal Heirship certificate dated 18.03.2017 in respect of P.Vadivel.

(4) Ex.P4 is the computer generated copy of the death certificate of Arumugam, who died on 30.03.2017.

(5) Ex.P5 is the computer generated copy of the death certificate of Mr.A.Jayaprakash, who died on 24.04.2016.

(6) Ex.P6 is the photocopy of the Sale Deed dated 27.05.1994 in favour of the testator, Mr.P.Vadivel Mudaliar.

(7) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.10,00,000/-.

(8) Ex.P8 is the consent affidavit given by the 1st respondent.

(9) Ex.P9 is the consent affidavit given by the 2nd respondent.

(10) Ex.P10 is the consent affidavit given by the 3rd respondent.

(11) Ex.P11 is the consent affidavit given by the 4th

respondent.

(12)Ex.P12 is the consent affidavit given by the 5th respondent.

(13)Ex.P13 is a copy of paper publication effected in one issue of the Tamil daily "Maalai Malar" dated 05.09.2019.

(14)Ex.P14 is a copy of paper publication effected in one issue of the English daily "Trinity Mirror" dated 14.09.2019.

4. In addition, he pointed out that one of the attesting witnesses, namely, Mr.R.T.Radha Krishnan, was examined as P.W.2. The said attesting witness deposed that he was a neighbour of the testator and was consequently well acquainted with the testator. He further deposed that the Last Will and Testament was executed in his presence on 27.03.2003 and that the testator was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will, Ex.P1. Based on the foregoing, he submitted that the petitioner is entitled to the grant of Letters of Administration.

5. I considered the submissions of the learned counsel for the Petitioner and examined the evidence recorded in support of the petition.

6. From the above, I find that the original Will dated

27.03.2003 has been marked as Ex.P1. The said Will is a registered Will. The death certificate of the testator has been marked as Ex.P2 and it shows that he died on 21.01.2017. Each of the respondents has given consent affidavits, which have been marked as Exs.P8 to P13. Paper publications were effected in one issue of the Tamil daily "Maalai Malar" dated 05.09.2019 and one issue of the English daily "Trinity Mirror" dated 14.09.2019 and these paper publications have been marked as Ex.P13 and P14.

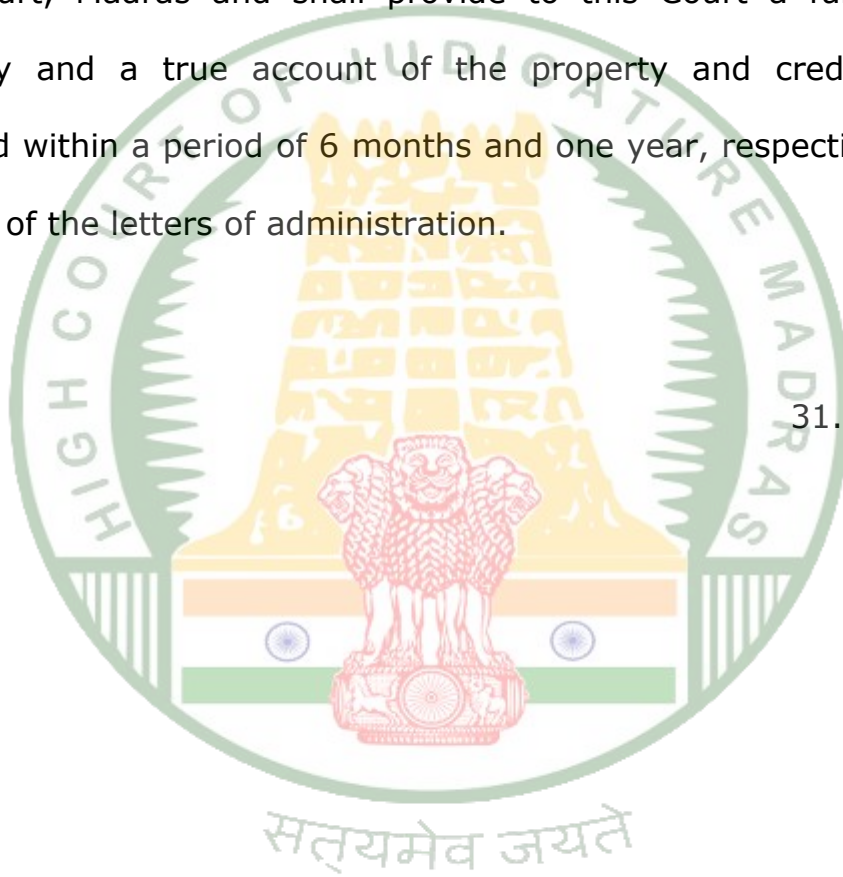
7. The evidence of one of the attesting witnesses to the Will, namely, Mr.R.T.Radha Krishnan, was recorded (P.W.2). The said witness has deposed that he was well acquainted with the testator because he was a neighbour. He has also deposed that the Last Will and Testament was executed in his presence and in the presence of the other attesting witness, viz., Mr.K.Muthukrishnan. Further, he deposed that the testator was in a sound and disposing state of mind, memory and understanding at the time of execution of the Ex.P1 Will.

8. Based on the foregoing, I conclude that the petitioner has proved the Will in accordance with law. Therefore, this petition is allowed by directing that Letters of Administration with the Will annexed should be granted to the petitioner in respect of the Last Will

and Testament of Mr.P.Vadivel Mudaliar dated 27.03.2003 to have effect throughout the State of Tamil Nadu. The Petitioner shall execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) in the name of the Assistant Registrar, Original Side, High Court, Madras and shall provide to this Court a full and fair inventory and a true account of the property and credits of the deceased within a period of 6 months and one year, respectively, from the date of the letters of administration.

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