

O.P.No.730 of 2019

SENTHILKUMAR RAMAMOORTHY J.

This Petition is filed under Section 232 and 276 of the Indian Succession Act, 1925 r/w Order XXV Rule 6 of the Original Side Rules for grant of Letters of Administration with the Will annexed to the Petitioners, who are the legatees under the Will of the deceased.

2. I heard the learned counsel for the Petitioners. The learned counsel submitted as follows. All the 7 Petitioners are the step sons of the testatrix. The testatrix was the wife of the late K.R.Padmanabha Rao and she died on 07.04.2009 at her residence at No.16/27, Thirumalai Pillai Road, T.Nagar, Chennai – 600 017, which is within the jurisdiction of this Court. The said testatrix executed her last Will and Testament at Chennai on 11.12.1991 and the Will was registered as Document No.118 of 1991 by the SRO, T.Nagar, in the presence of two witnesses. The husband of the testatrix, the late K.R.Padmanabha Rao, pre-deceased her and died on 12.01.1991. He married K.P. Padmavathi, as his second wife, and the Petitioners were born to the said K.P.Padmavathi. Although the testatrix appointed her step brother, U.Manohar Rao, as the executor, he died on 22.09.2017.

3. In order to prove the Will, the learned counsel pointed out that the 7th Petitioner was examined as P.W.1 and the following 10 documents were exhibited through P.W.1 as Exs.P1 to P10:

(1) Ex.P1 is the computer generated death certificate of his father, K.R.Padmanabha Rao, who died on 12.01.1991.

(2) Ex.P2 is the photocopy of the Legal Heirship Certificate dated 15.03.1991 in respect of his father K.R.Padmanabha Rao.

(3) Ex.P3 is the original last Will and Testament dated 11.12.1991 executed by his step mother, K.P.Janaki Ammal, registered as Document No.118 of 1991 at SRO, T. Nagar.

(4) Ex.P4 is the computer generated death certificate of his step mother, K.P.Janaki Ammal, who died on 07.04.2009.

(5) Ex.P5 is the computer generated death certificate of U.Manohar, who died on 22.09.2017.

(6) Ex.P6 is the photocopy of the Sale Deed dated 24.05.1982 in favour of his step mother Janaki Amma, registered as Document No.2148 of 1982 at SRO, North Madras.

(7) Ex.P7 is the photo copy of the Sale Deed dated 31.08.1957 in favour of his step mother K.P. Janaki Amma, registered as Document No.760 of 1957 at SRO, Sowcarpet.

(8) Ex.P8 is the affidavit of assets showing the net value of

the estate as Rs.6,94,90,000/-.

(9) Ex.P9 is a copy of paper publication effected in one issue of Tamil daily "Maalai sudar" dated 09.11.2019.

(10) Ex.P10 is a copy of paper publication effected in one English daily "News Today" dated 20.11.2019.

In addition, he pointed out that one of the attesting witness, namely, Mr.J.Babu was examined as P.W.2. He also stated that the delay in filing the Petition was on account of financial difficulties as explained in paragraph 14 of the Petition. Therefore, he submitted that the Petitioners are entitled to grant of Letters of Administration.

4. I considered the submissions of the learned counsel for the Petitioners and examined the evidence recorded in this case.

5. The last Will and Testament dated 11.12.1991, which was executed by the testatrix and registered as Document No.118 of 1991 at SRO, T.Nagar, was exhibited as Ex.P3 through P.W.1. On perusal of the said document, I find that it has been attested by two witnesses, namely, K.Yeshwanth and J.Babu. The said J.Babu was examined as P.W.2. P.W.2 has deposed that he knew the testatrix because he was working as an employee for her for more than 15 years. He identified the signature of the testatrix and stated that he was present when the Will was executed and that the testatrix was in a sound and disposing

state of mind, memory and understanding at the time of execution of the Will, Ex.P3. I also find that the death certificate of the testatrix was marked as Ex.P4 and it shows that she died on 07.04.2009. Paper publication was also effected both in the Tamil daily, "Maalai Sudar" dated 09.11.2019(Ex.P9) and in the English daily, "News Today" dated 20.11.2019(Ex.P10). I also find that the delay in filing the Petition has been explained in paragraph 14 and the said explanation is accepted.

6. On the above basis, I find that the Petitioners have proved the Will in accordance with law. Accordingly, this Petition is allowed by directing that Letters of Administration be granted to the Petitioners with the Will annexed in respect of the last Will and Testament of Mrs.K.P.Janaki Amma dated 11.12.1991 to have effect throughout the State of Tamil Nadu. The Petitioner shall execute a security bond for a sum of Rs.25,000/- 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 estate within a period of 6 months and one year, respectively, from the date of receipt of a copy of this order.

29.01.2020

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SENTHILKUMAR RAMAMOORTHY.J.

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