

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

TUESDAY, THE 01ST DAY OF DECEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No. 948 of 2019

In the matter of the Indian
Succession Act, XXXIX of
1925
and
In the matter of the
Last Will and Testament of
Mr.V.Subramanian – Deceased.

Mrs.VIDYA
W/o.M.N.Bharathi,
Residing at
B-304, Keshav Dugar Apartments,
Kesava Perumalpuram,
Greenways Road,
Chennai-600028
..Petitioner

-Vs-
सत्यमेव जयते

1. Mrs.SUNDARI
W/o.Late V.Ramachandran,
Residing at B-304, Keshav Dugar Apartments,
Kesava Perumalpuram,
Greenways Road,
Chennai-600028.

2.Mrs. VIJAYALAKSHMI,
W/o.Kalyanaraman,
Residing at Plot No.13, 46th Street,
3rd Cross, Nanganallur,
Kancheepuram-600061.

3.Mr.VENKATRAMAN RAMACHANDRAN @ RAVI,
S/o.Late V.Ramachandran,
Residing at Amar Apartments,
No.9, D, First Floor,
7th Main Road, RA Puram,
Chennai-600028.

..Respondents

Original Petition praying that this Hon'ble Court be pleased that Letter of Administration with the Will annexed may be granted to the petitioner viz., Mrs.Vidya, as she is the niece / legatee under the Will of the deceased having effect 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 under Sections 232 and 276 of the Indian Succession Act 1925 read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in respect of the last Will and Testament of V.Subramanian.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one V.Subramanian executed on 19.04.2019 in favour of the petitioner. The petitioner and the respondent are the sisters of the deceased. The said V.Subramanian died on 08.08.2015. The wife of the deceased predeceased him. The deceased had no children. The petitioner and the second and third respondents are niece and nephew of the deceased

and the first respondent is the sister-in-law of the deceased. The petitioner is the sole beneficiary under the Will of the deceased. The amount of assets which is likely to come to the petitioner hands does not exceed in the aggregate sum of Rs.1,38,43,290.40 and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.1,38,43,290.40. The petitioner hereby undertakes to duly administer the specified property and credits of the deceased in any way concerning her Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

3. The petitioner has examined herself as P.W.1 and the attesting witnesses Mr.M.Kumaravel and Mr.Thakshinamurthy have been examined as P.W.2 and P.W.3 and Ex.P.1 to P.17 have been marked.

4. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in her favour in respect of the Last Will and Testament

executed by the deceased V.Subramanian executed on 19.04.2019. Ex.P.2 is the copy of the death certificate of Nagalakshmi, wife of the deceased V.Subramanian. Ex.P.2 has been filed to prove that the wife of the testator died on 21.06.2018. Ex.P.3 is the original Will executed by the deceased V.Subramanian. Ex.P.3 shows that the deceased V.Subramanian executed the Will on 19.04.2019. Ex.P.4 is the copy of the death certificate of the deceased. Ex.P.4 shows that the deceased died on 13.06.2019. Ex.P.5 is the relationship certificate of the deceased. Ex.P.5 shows that the petitioner and the respondents are relations of the deceased. Ex.P.6 to Ex.P.10 have been filed to show the assets of the deceased. Ex.P.11, Ex.P.12 and Ex.P.13 are the consents affidavit given by the respondents for grant of Letters of Administration in favour of the petitioner. Ex.P.14 is the affidavit of assets and liabilities showing the net value of the estate of the deceased as Rs.1,38,43,290/-. Ex.P.15 series are paper publications and none objected for the same.

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5. One Mr.M.Kumaravel and Mr.R.Thaksanamurthy, who are the attesting witnesses in the Will, were examined as P.W.2 and P.W.3. In their evidence, they have stated that they have attested the Will as attesting witnesses in the Will. They have also stated that the testator was in sound

state of mind while executing the Will and they have also seen the testator

signing the Will. They have also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. Ex.P.16 and Ex.P.17 are the affidavits filed by P.W.2 and P.W.3 in this regard. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

6. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in her favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

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Sd/.N.S.K.J.
01.12.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/04.12.2020

COURT OFFICER(O.S.)

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