

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

FRIDAY, THE 06TH DAY OF NOVEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No. 902 of 2019

In the matter of the Indian Succession
Act, XXXIX of 1925 and
In the matter of the Last Will and
Testament of Smt.Chandrammal
(deceased)

B.BALAKRISHNAN
No.11/31, Pachaikal Veerasamy Street,
Ayanavaram, Chennai-600023. ..Petitioner

-Vs-

1. Smt.V.SUMA
W/o.Viswanathan
and Grand Daughter of Late Chandrammal,
No.71, Bhavani Nagar,
Near Pallavaram Market,
Pallavaram, Chennai-600117

2. S.SANKAR
S/o.Sundar Achari,
and Grand son of Late Chandrammal,
No.23, B.V.Nagar,
Meenambakkam,
Chennai-600116.

3. Smt.SUNDARI
D/o Late Neelakandan,
No.61, Sannadhi Street,
Near Market, Mangadu-600122.

4. Smt.B.ANJALI DEVI
W/o.Late B.Balasubramaniam

5. B.PARAMESWARI
D/o.Late B.Balasubramaniam

6. B.SUGUMAR
S/o.Late B.Balasubramaniam

7. B.SARANYA
D/o.Late B.Balasubramaniam
Respondents 4 to 7,
residing at No.42, Sivan Koil Second Street,
Mangadu-600122. ..Respondents

This Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with the Will dated 02.09.1996 annexed may be granted to him as the son/beneficiary/Legatee under the Will of the said deceased Smt.Chandrammal 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 application has been filed to grant of Letters of Administration in respect of the Will dated 02.09.1996 by Chandrammal, the mother of the petitioner.

2. It is the case of the petitioner that Chandrammal died on 08.06.1997, leaving behind two sons and a daughter. The petitioner is only surviving son and other sons and daughter were died and their legal heirs are the respondents herein. The Chandrammal left the Will while she was in

sound of mind on 02.09.1996 and the same was registered on the file of the Sub Registrar Office, Sembiam.

3. On the side of the petitioner P.W.1 and P.W.2 were examined, Exs.P1 to P6 were marked.

4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Chandramal executed on 02.09.1996. Ex.P.1 is the copy of the death certificate of the deceased Testatrix Chandramal. Ex.P.1 has been filed to prove that the Testatrix Chandramal died on 08.06.1997. Ex.P.2 is the photocopy of the patta standing in the name of deceased Chandramal. Ex.P.3 is the affidavit of assets showing the net value of the estate of the deceased as Rs.20,00,000/-. Ex.P.4 series are paper publications. Ex.P.5 is the Will executed by the deceased Chandramal. Ex.P.6 is the affidavit of attesting witness B.Padmavathi.

5. One B.Padmavathi, who is one of the attesting witness in the Will, was examined as P.W.2. In her evidence, she has stated that she has attested the Will as second attesting witness in the Will and one Mr.N.Kulasekaran has signed as first attesting witness in the Will. He has also stated that the testatrix was in sound state of mind while executing the

Will and he has also seen the testatrix affixing her left thumb impression in

the Will and the other attesting witness signing in the document. He has also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. Ex.P.6 is the affidavit filed by P.W.2 in this regard. The evidence of attesting witness 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 his 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.
06.11.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/23.11.2020

COURT OFFICER(O.S.)

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