

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.852 of 2017

In the matter of Indian
Succession Act, 1925

and

In the matter of
LAST WILL AND TESTAMENT
OF R.THIRUMALAI
(DECEASED)

1. MRS.NALINI RAMAN
W/o.P.J.Sedhuraman, BG1,
Door No.11/5, Muraliram Sriaakash Flats
19th Street, Thillai Ganga Nagar,
Nanganallur, Chennai-600061. ..Petitioner

Original Petition praying that this Hon'ble Court be
pleased that Letters of Administration with Will annexed
may be granted to the petitioner Mrs.Nalini Raman
(D/o.Smt.Saroja) is the grand daughter of Smt.Perundevi who
is the own sister of late R.Thirumalai and legatee under
the Will of the deceased R.Thirumalai having limited to the
State of Tamilnadu. सत्यमेव जयते

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

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

2. I heard the learned counsel for the petitioner. The
learned counsel for the petitioner submitted that the petitioner
is the grand-daughter of the testator. The testator ordinarily
resided at No.71, Thiruvalluvar Street, Annai Indira Nagar,
Velachery, Chennai - 600 042, which is within the jurisdiction of
this Court. He died as a bachelor on 17.01.2017. During his
life time, he executed his last Will and Testament at Chennai on
20.02.2016 and the petitioner is a legatee under the said Will.
The learned counsel for the petitioner submits that evidence was

recorded in order to prove the Will. The petitioner was examined as PW1 and 10 documents were exhibited through PW1. In addition, one of the attesting witnesses to the Will was examined as PW2. The said PW2 deposed that the testator is his maternal uncle and he is therefore well acquainted with the testator. He further deposed that the Will was executed in his presence and in the presence of the other attesting witness, namely Mr.R.Srinivasan. Based on the foregoing, the learned counsel submitted that the petitioner is entitled to the grant of Letters of Administration.

3. I considered the submissions of the learned counsel for the petitioner and examined the evidence recorded in this case. I find that the Death Certificate of the testator has been marked as Ex.P6 and this document evidences that he died on 17.01.2017. The original unregistered Will dated 20.02.2016 was marked as Ex.P7 and this document is attested by Mr.R.Srinivasan and Mr.V.Narayanan. The Will discloses that the property mentioned in the schedule therein is bequeathed to the petitioner. Paper Publications were also effected on 12.09.2018 in the Tamil Daily 'Maalai Sudar' and on 19.09.2018 in the English Daily 'News Today'. The said Paper Publications were marked as Exs.P9 & 10 respectively.

4. I also find that one of the attesting witnesses to the Will, namely Mr.V.Narayanan was examined as PW2. The said witness has deposed that the testator is his maternal uncle and that, therefore, he is well acquainted with the testator. He also deposed that the last Will and Testament dated 20.02.2016(Ex.P7) was executed in his presence and in the presence of Mr.Srinivasan, i.e., the other attesting witness. PW2 further deposed that the testator was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will. It is stated in the petition that no application was made earlier to a District Court or High Court to Probate the Will annexed to the petition or for Letters of Administration in respect of the estate of the deceased. Based on the foregoing, I find that the petitioner has proved the Will in accordance with law.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Therefore, this petition is allowed by directing that Letters of Administration with the Will annexed may be granted to

the petitioner in respect of the last Will and Testament dated 20.02.2016 of R.Thirumalai to have effect throughout the State of Tamil Nadu. The plaintiff 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 Madras. The plaintiff shall also file a full and true inventory of the 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-17.02.2020

COURT OFFICER

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

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