

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Q.P.No.1090 of 2018

1.L.Chandrasekaran (Late)

2.Mrs.Kala Ramanan

3.Abhiram Venkataramanan

4.Anirudh Venkataramanan

5.M.V.S.Saraswathy

6.Dr.Badrinathan

7.Sathyavathi

... Petitioners

Vs.

Mrs.P.B.Bhanumathy

... Respondent

Prayer: Original Petition filed under Section 276 of Indian Succession Act Read with Order XXV Rule 5 of Original Side Rules praying that Letters of Administration with the Will annexed may be granted to them as the son and legatee / beneficiaries under the Will of the said deceased having effect limited to the State of Tamil Nadu.

For petitioners : Mr.S.Balasubramaniam

For Respondent : Ms.P.B.Bhanumathy

ORDER

The above petition is filed for grant of Letters of Administration to the petitioners as legatee and beneficiaries under the Will of R.Lakshmanan dated 13.12.1990.

The averments in the petition are as follows:

2. The said R.Lakshmanan who is the son of late V.Ramamurthy died on 25.12.2011 at Besant Nagar. He had executed the Will dated 13.12.1990 at Tiruvanaikavel, Trichy and the said Will was also registered in the office of the Sub-Registrar, Srirangam bearing Document No.139 of 1990. The 1st petitioner is the son of the deceased Lakshmanan and the 2nd petitioner is the widow of the said Lakshmanan's son L.Venkataraman. The petitioners 3 and 4 are the grand children of R.Lakshmanan through his son Venkataraman. The respondent is the daughter of the deceased

Lakshmanan. The wife of the said Lakshmanan had also passed away on 02.01.2016.

3. The delay in filing the petition has also been explained in paragraph No.7 of the petition. The petitioners would contend that the 1st petitioner who was in possession of the original Will was residing along with his children at London, United Kingdom and it was only when he returned to India that the above petition has been moved and consequently the delay has arisen. Since the Testator had not named an executor the petitioners had sought for Letters of Administration in respect of the said Will.

4. The 2nd petitioner has examined herself as P.W.1 and has marked Ex.P.1 to Ex.P.9. The attesor of the Will one V.Sadagopan has been examined as P.W.2. The 2nd petitioner as P.W.1 has produced the original Will dated 13.12.1990 as also the death certificate of her father-in-law, R.Lakshmanan, his legal heirship certificate, death certificate of her mother-in-law, R.Saradha and her husband L.Venkataraman along with the

Legal Heirship certificate. The 4th petitioner who is residing in United States of America has executed a Power of Attorney in favour of the 2nd petitioner, his mother. The said Power of Attorney has been marked as Ex.P.7 and the affidavit of assets have been marked as Ex.P.8. The paper publication series is marked as Ex.P.9. The attesting witness P.W.2 has adduced evidence regarding the execution of the Will by the deceased Testator and the presence of the Testator and the attesting witness at the same time and the fact that each had witnessed the other affixing their signatures to Ex.P.1, Will. He has also adduced evidence to the fact that the Testator was in sound disposing state of mind when he had executed Ex.P.1 Will.

5. Considering the evidence both oral and documentary, particularly the evidence of P.W.2, the attester of the Will this Court is inclined to order the petition as prayed for. The Original Petition is allowed. No costs.

6. The petitioners shall 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. In addition, the petitioners shall also provide a full and true inventory of the properties and credits and also true accounts thereof within a period of six months and one year, respectively, from the date of grant.

Internet : Yes/No
Index : Yes/No
Speaking / Non-Speaking
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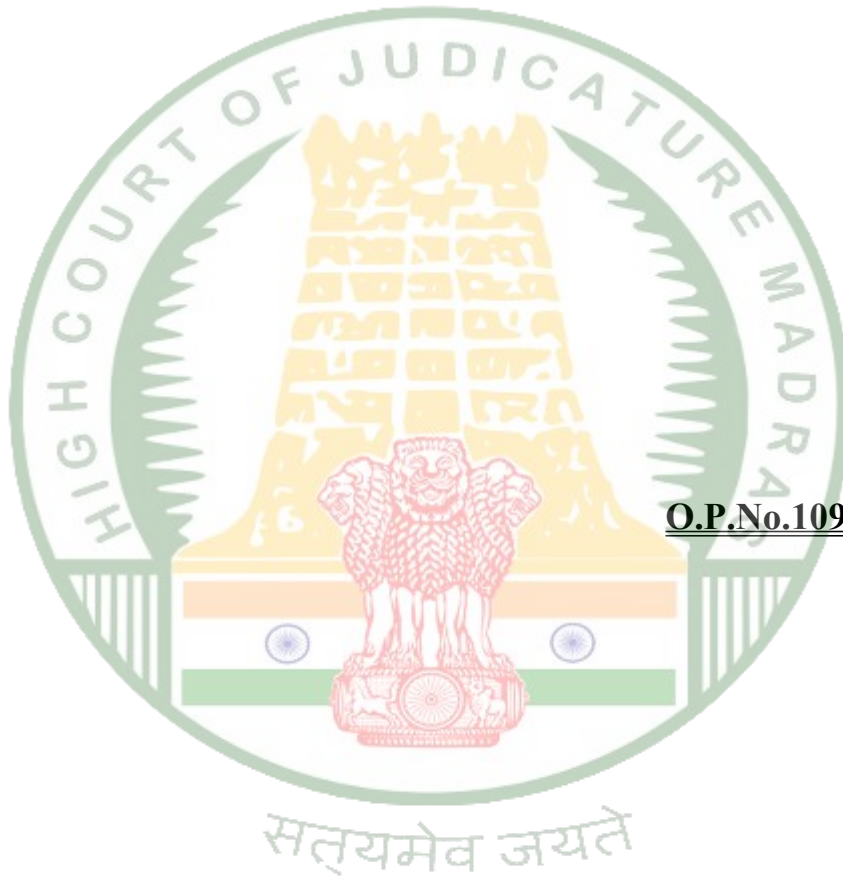


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