

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Q.P.No.1089 of 2018

1.Mrs.M.Geetha

2.M.Priya

3.M.Monica

... Petitioners

Vs.

1.Tmt.G.Kanchana

2.R.Manivannan

3.R.Prakash

... Respondents

Prayer: Original Petition filed under Section 232 & 276 of Indian Succession Act Read with Order XXV Rule 5 of Original Side Rules praying that Letters of Administration with Will annexed may be granted in favour of the petitioners 1 to 3 as Legal heirs of beneficiary under the Will dated 23.04.2008 of the Testator Mr.V.Ramalingam (deceased) having effect throughout the whole of the State of Tamil Nadu.

For petitioners : Mr.B.Gandhi

ORDER

This petition is filed for grant of Letters of Administration in respect of the Will dated 23.04.2008 executed by one V.Ramalingam to have effect throughout the state of Tamil Nadu. The facts in brief set out in the petition are as follows:

2. V.Ramalingam the Testator residing within the jurisdiction of this Court and possessed of property had executed a registered Will dated 23.04.2008 registered as Document No.29 of 2008 on the file of the Joint Registrar, Ashok Nagar bequeathing his properties in favour of his children, the petitioners and the respondents herein.

3. The petitioners are the wife and children of one R.Murali, the deceased son of the Testator. The respondents are the other children of the said V.Ramalingam. The Testator died on 01.03.2010 and his son

R.Murali died on 07.01.2011. Thereafter the Testator's wife one R.Saroja also died on 14.12.2013.

4. The property in question has been bequeathed to the said Murali under the Will and the petitioners being his wife and children are now entitled to the same. Under the Will, the said Murali was named as the Executor. Since he is no more the present petition for grant of Letters of Administration has been filed by his legal heirs, the petitioners herein.

5. The petitioners would contend that except for them and the respondents there are no other legal heirs for the Testator. Since the executor of the Will, R.Murali is also no more, he having died within a few months of his father's demise, the petitioners are filing the above petition.

6. The 1st petitioner has examined herself as P.W.1 and has marked the sale deed and Patta in favour of V.Ramalingam as Ex.P.1 and Ex.P.2 respectively. Ex.P.3 is copy of the death certificate of the said

V.Ramalingam, Ex.P.4 is the legal heirship certificate of V.Ramalingam, Ex.P.5 is the death certificate of the said R.Murali, Ex.P.6 is the legal heirship certificate of Murali, Ex.P.7 is the death certificate of the said R.Saroja, Ex.P.8 is the legal heirship certificate of R.Saroja, Ex.P.9 and Ex.P.10 are the birth certificates of the petitioners 2 and 3, Ex.P.11 is the copy of the Water and Sewerage Tax - cum - Charges Card and property tax demand card.

7. The originals have been produced and the photo copies are marked after comparing and verifying the same with the originals. Ex.P.12 is the copy of the Sewerage Board payment, Ex.P.13 is the series of the order of the TNEB relating to the name transfer in favour of the petitioners, Ex.P.14 is the Will and Testament of the said V.Ramalingam and Ex.P.15 to Ex.P.17 are the consent affidavits given by the respondents 1 to 3. Ex.P.18 is the affidavit of assets and Ex.P.19 is the paper publication. The deponent has reiterated the contentions raised in the Original Petition.

8. The attesting witness one G.Kanchana has been examined as P.W.2 and she would adduce evidence with reference to the attestation of the Will, Ex.P.14 by the Testator and he witnessing the same being attested by the attesting witness, namely, P.W.2 and her brother one R.Manivannan. She would further contend that the Testator was in sound disposing state of mind at the time of the execution of the Will.

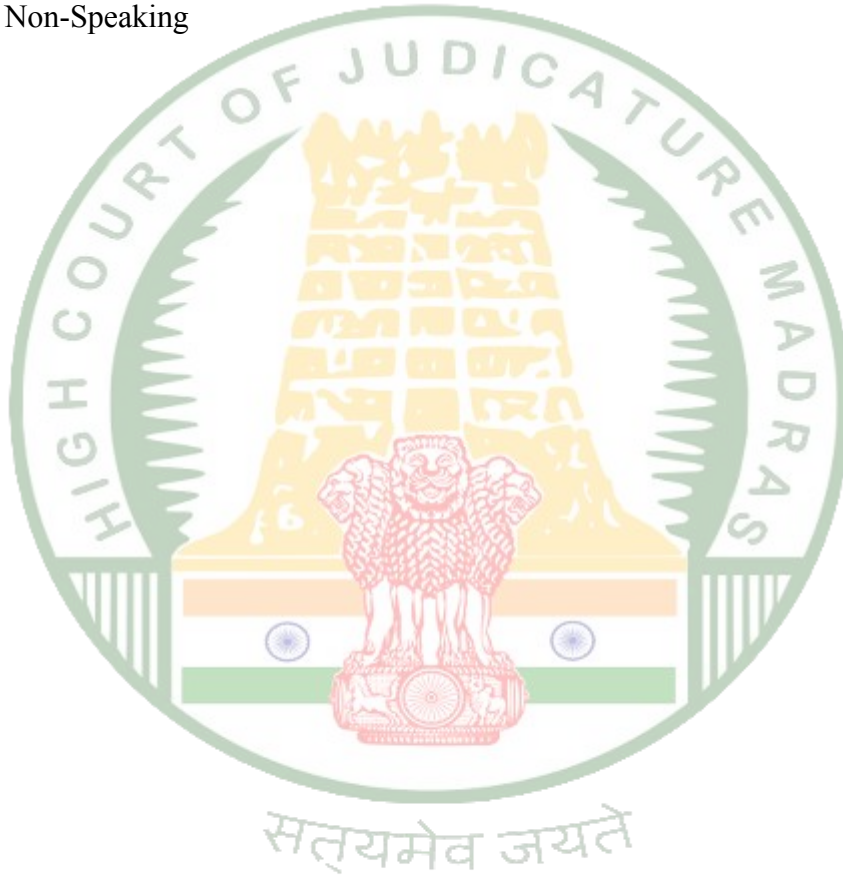
9. Considering the evidence on record and particularly the consent affidavits that have been filed by the respondents and the fact that Ex.P.14 has been proved in the manner known to law there is no impediment for the grant of Letters of Administration in respect of the Will of late V.Ramalingam to the petitioners who are the wife and children of the beneficiary, R.Murali. In fine, the Original Petition is allowed. No costs.

10. 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.

09.07.2020

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



WEB COPY

O.P.No.1089 of 2018

P.T. ASHA. J,

kan



O.P.No.1089 of 2018

WEB COPY

09.07.2020