



OP No.787 of 2019

O.P. No.787 of 2019

WEB COPY **ABDUL QUDDHOSE, J.**

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

2. The petitioners are the children of the testator's wife's sister. The testator R.Radhakrishnan who died on 15.07.2000 leaving behind the registered Will dated 21.12.1998 under which the petitioners are the joint beneficiaries. The parents of the testator R.Radhakrishnan predeceased him and the wife of the testator by name R.Padmavathy died on 15.01.2006. The testator R.Radhakrishnan did not have any issues out of his wedlock with R.Padmavathy. The petitioners who are the children of R.Padmavathy's sister and the beneficiaries under the subject Will, have approached this Court for grant of letters of administration. Under the subject Will, there are two attesting witnesses namely S.Raju and B.Ramesh.

3. According to them, they came to know about the existence of the Will only in the year 2018 and that is the reason for the delay in filing this petition for grant of letters of administration.

4. Before the learned Master, the second petitioner K.Yasodha was



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examined as a witness PW1. Both the attesting witnesses were examined as witnesses namely PW2 & PW3. Before the learned Master, Ex.P1 to Ex.P10 were marked through PW1, Ex.P11 was marked through PW2 and Ex.P12 was marked through PW3. The details of the exhibits are as follows:

<i>Exhibits</i>	<i>Nature of documents</i>
P1	Original registered Will and Testament dated 21.12.1998 executed by R.Radhakrishnan which has been attested by two attestors
P2	Photocopy of the Sale Deed dated 21.03.1962 in favour of R.Radhakrishnan
P3	Computer generated death certificate of R.Radhakrishnan who died on 15.07.2000
P4	Computer generated death certificate of R.Padmavathy who died on 15.01.2006.
P5	Photocopy of the Aadhaar card of Bakkiyalakshmi bearing No.6634 7733 2375
P6	Photocopy of the Aadhaar card of Yasodha bearing No.9824 2372 6051
P7	Photocopy of the Aadhaar card of V.Jeyachandran bearing No.3020 4790 1550
P8	Photocopy of the Aadhaar card of Yuvaraj bearing No.5332 5955 9385
P9	Affidavit of assets showing the net value of the estate as Rs.40,00,000/-
P10	Copies of paper publications effected in one issue of Tamil daily "Makkal Kural" dated 21.02.2020 and one issue of English daily "Trinity Mirror" dated 28.02.2020
P11	Affidavit of attesting witness namely S.Raji
P12	Affidavit of attesting witness namely B.Ramesh

5. PW1 in her deposition has reiterated the contents of the petition filed in support of O.P.No.787 of 2019. Under the subject Will, there are



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two attesting witnesses namely S.Raju and B.Ramesh and both of them have been examined as witnesses namely PW2 & PW3 respectively. Both the attesting witnesses have deposed that only in their presence, the testator R.Radhakrishnan had executed the said Will and signed the said Will and both of them signed as attesting witnesses only in the presence of the testator. Both of them in their deposition have identified the signature of the testator in the subject Will. They have also deposed that only in a sound and disposing state of mind, memory and understanding, R.Radhakrishnan had execute the Will. As seen from the said Will, the petitioners who are the children of the wife's sister of R.Radhakrishnan are the beneficiaries and the wife of the testator R.Radhakrishnan died on 15.01.2006 after the death of R.Radhakrishnan as evidenced from her death certificate which has been marked as Ex.P4. The death certificate of R.Radhakrishnan, the testator has also been marked as Ex.P3. The Original Will dated 21.12.1998 executed by the deceased R.Radhakrishnan has also been marked as Ex.P1. The sale deed standing in the name of R.Radhakrishnan, the testator which is the subject matter of the Will has also been marked as Ex.P2. The Aadhaar Cards of the respective petitioners have been marked as Ex.P5 to Ex.P8 respectively.



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Paper publications have also been effected by the petitioners in one issue of Tamil daily namely “Makkal Kural” dated 21.02.2020 and one issue of English daily namely “Trinity Mirror” dated 28.02.2020 which has been marked as Ex.P10 and the said paper publication was effected pertaining to the petition filed by them before this Court seeking for letters of administration. In the petition, the petitioners have also explained the reasons for delay in approaching this Court seeking for grant of letters of administration and according to them, they located the Will only in the year 2018.

6. As seen from the evidence, both the attesting witnesses have also deposed before the learned Master as PW2 and PW3 and both of them have deposed that only in their presence, the will was executed by R.Radhakrishnan and they have also deposed that only in a sound and disposing state of mind, R.Radhakrishnan had executed the Will . Under the said Will, the petitioners are the beneficiaries who are the children of the testator R.Radhakrishnan's wife's sister.

7. An averment has also been made in the petition that no



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application has been made to the District Court or Courts, delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to the properties and credits

8. After giving due consideration to the pleadings as well as the evidence available on record, this Court is inclined to grant letters of administration in favour of the petitioners as prayed for in OP No.787 of 2019. Accordingly, this petition is ordered.

9. Registry is directed to issue Letters of Administration in favour of the petitioners having effect limited to the Union of India, they being the beneficiaries/legatees under the Will of the deceased. As undertaken by the petitioners, the petitioners are directed to duly administer the properties and credits of the deceased in any way concerning his Will by paying first his debts and then the legacies therein bequeathed, so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration with the Will annexed to the petition.



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The petitioners are 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. As undertaken by the petitioners, the petitioners are directed to render this Court a true and correct accounts within one year from the date of grant of Letters of Administration.

14.12.2021

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ABDUL QUDDHOSE, J.

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