



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

FRIDAY, THE 19TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.471 of 2021

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of Last Will and
Testament of C.Gopalan-Deceased

C.MOHANDOSS
S/o Mr.C Gopalan
residing at No.34/38,
4th Main Road,
Raja Annamalaipuram,
Chennai – 600028

..Petitioner

This Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with WILL annexed 'A' of the properties and credits of the deceased may be granted to the Petitioner as son / beneficiary/Legatee under the said Will of the deceased having limited to have effect throughout the State of Tamil Nadu.

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



Will annexed.

WEB COPY

2. The testator C.Gopalan who died on 30.10.1984, executed a Registered Will dated 16.09.1970 in favour of the petitioner. Under the said Will, the petitioner is a beneficiary. The said Will was attested by two attesting witnesses, one being C.G.Amirdha Bhai, the mother of the petitioner and the wife of the testator C.Gopalan. The other attesting witness though having signed the Will as an attesting witness, his name is not known to the petitioner.

3. The petitioner has also stated in the petition that recently when the house was under renovation, he came to know that there is a Will dated 16.09.1970 executed by his late father C.Gopalan. According to him, only due to the said reason, there was a delay in seeking for letters of administration. The petitioner has also stated in this petition that his mother C.G.Amirtha Bai died on 28.01.2003 and his sister Rani Ganapathi died on 28.10.2018 issueless.

4. Before the learned Master, the following documents were marked as Exhibits:

<i>Exhibits</i>	<i>Nature of Document</i>
P1	Original Will dated 16.09.1970
P2	Photocopy of the Deed of indenture dated 26.06.1972 (Original is not produced)
P3	Photocopy of the extract from the permanent Land Register dated 25.02.1973 along with computer generated Extract from the Town Survey Land Register dated 27.05.2019 in respect of Survey No.3952/14



Exhibits	<i>Nature of Document</i>
P4	Photocopy of the extract from the permanent Land Register dated 23.02.1973 along with computer generated Extract from the Town Survey Land Register dated 27.05.2019 in respect of Survey No.3952/14
P5	Photocopy of the death certificate of C.Gopalan, who died on 30.10.1984
P6	Photocopy of the Legal Heirship certificate dated 05.02.1988 in respect of C.Gopalan
P7	Photocopy of the Family Card for the period 1998 – 2003 bearing No.02/G/093980
P8	Photocopy of the death certificate of C.G.Amirtha Bai, who died on 28.01.2003
P9	Photocopy of the Family Card for the period 2005 – 2009 bearing No.01/W/0058253
P10	Photocopy of the petitioner's Aadhaar card bearing No.6814 7667 0624
P11	Computer generated death certificate of Rani Ganapathi, who died on 28.10.2018
P12	Photocopy of the Encumbrance Certificate bearing Certificate No.255 of 2019 dated 12.06.2019 along with the digitally signed Encumbrance Certificate bearing Certificate No.EC/Online/14874861/2019 dated 07.06.2019
P13	Computer generated death certificate of K.S.Ganapathi who died on 14.02.2020
P14	Computer generated legal heirship certificate dated 31.07.2020 in respect of C.G.Amirtha Bai
P15	Photocopy of the Voter Identity Card of Rani bearing No.JCH7318769
P16	Affidavit of assets showing the net value of the estate as Rs.5,22,00,000/-
P17	Certificate filed under Section 65B of the Indian Evidence Act
P18	Copy of paper publication effected in one issue of Tamil daily “Mukkal kural” dated 16.08.2021
P19	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 23.08.2021
P20	Affidavit of Uma Mohandoss

5. Before the learned Master, the petitioner was examined as PW1

and the deposition of PW1 supported the contents of the petition filed in

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

support of O.P.No.471 of 2021. Since the attesting witnesses namely



C.G.Amirtha Bai died on 28.01.2003 and the other witness is not known to the petitioner or anyone else, C.Uma Mohandoss, the wife of the petitioner and daughter-in-law of the testator C.Gopalan was examined as PW2. In her deposition, she has deposed that she is well acquainted with the signature of her mother-in-law C.G.Amirtha Bai who is one of the attesting witnesses and she has identified the signature of C.G.Amirtha Bai through her deposition. She has also supported the contents of the petition filed in support of O.P.No.471 of 2021 and deposed that the petitioner is entitled for grant of letters of administration.

6. As seen from the evidence recorded before the learned Master, it is clear that the petitioner is the only surviving legal heir of the deceased C.Gopalan who had executed a will dated 16.09.1970 in his favour. The death certificate of C.Gopalan and his legal heirship certificate has also been marked as Ex.P5 & Ex.P6 respectively, before the learned Master. As seen from the legal heirship certificate dated 05.02.1988 of the deceased C.Gopalan, the wife of the deceased, C.G.Amirtha Bai, the son of the deceased, the petitioner herein and the daughter of the deceased, Rani Ganapathi are his only legal heirs. Thereafter as seen from Ex.P8, C.G.Amirtha Bai, the mother of the petitioner and the wife of the testator died on 28.01.2003 and as seen from Ex.P11, the sister of the petitioner,



petitioner's sister Rani Ganapathi died issueless. Therefore, it is now clear that the petitioner is the only surviving legal heir of the testator C.Gopalan and is alone entitled for grant of letters of administration as per the Registered Will dated 16.09.1970 which has been marked as Ex.P1 before the learned Master.

7. Before the learned Master, the deed of indenture dated 26.06.1972, photocopy of the extract from the Permanent Land Register dated 23.02.1973 along with computer generated Extract from the Town Survey Land Register dated 27.05.2019 in respect of Survey No.3952/14 and photocopy of the extract from the permanent Land Register dated 23.02.1973 along with computer generated Extract from the Town Survey Land Register dated 27.05.2019 in respect of Survey No.3951/14 have also been marked as Ex.P2, Ex.P3 & Ex.P4 respectively to prove that the testator is the owner of the subject property mentioned therein.

8. After perusing and examining the pleadings as well as the evidence available on record, this Court is of the considered view that the petitioner is entitled for grant of letters of administration as prayed for as he has proved that the Registered Will dated 16.09.1970 was executed by his late father C.Gopalan. Accordingly, Letters of Administration is granted as prayed for in O.P.No.471 of 2021.

9. Registry is directed to issue Letters of Administration in favour of



the petitioner having effect throughout the State of Tamil Nadu, he being the beneficiaries/legatees under the Will of the deceased. As undertaken by the petitioner, the petitioner is 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 this petition. 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. As undertaken by the petitioner, the petitioner is directed to render this Court a true and correct accounts within one year from the date of grant of Letters of Administration.

Sd/.A.Q.J.

19.11.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/24.11.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decree in this format.