

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

THURSDAY, THE 04TH DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.259 of 2019

In the matter of Indian Succession
Act, XXXIX / 1925
and
In the matter of the Last Will and
Testament of K.S.Padmanabhan-
deceased.

Mr.V.C.CHANDRAKUMAR
S/o.Late Leela Chandar,
Flat No.4, First Floor,
Door No.12, Thiruvengadam Street Extension,
Mandaveli, Chennai-600 028. ..Petitioner

-Vs-

1. Mrs.V.R.JAYASURYA
W/o.Late V.R.Ramachandran,
No.127, Macro Marvel, Reiver View Country,
6th Cross, Mariammankoil Street,
Manapakkam, Chennai-600 125.

2. MISS AMARGANGA
Flat No.04, First Floor,
Door No.12, Thiruvengadam Street Extension,
Mandaveli, Chennai-600 028. ..Respondents

Original Petition praying that this Hon'ble Court be pleased that

<https://hcservices.ecourts.gov.in/hcservices/> the Letters of Administration with will annexed may be granted to the

Petitioner as nephew / beneficiary under the Will of the said deceased

K.S.Padmanabhan, having effect limited to the State of Tamil Nadu and Limited to the assets mentioned in the Affidavit of assets.

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

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in respect of the last Will and Testament of Mr.K.S. Padmanabhan.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Mr.K.S. Padmanabhan executed on 15.11.2016 and bequeathed the property absolutely with full powers of alienation to the petitioner. The deceased Mr.K.S. Padmanabhan is the maternal uncle of the petitioner, who died on 04.02.2017 at Madhavaram, Chennai within the jurisdiction of this Court. The deceased ordinarily resided at Chennai. The deceased is a bachelor and not married any one. The parents of the deceased predeceased him. The said deceased at the time of his death possessed and left properties in Chennai and within the jurisdiction of this Court. The 1st and 2nd Respondents are the sisters of the deceased Mr.K.S. Padmanabhan.

The Testator has not appointed any executor in his Will. Except the petitioner and respondents no one available to be impleaded in this

petition. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.62,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.62,00,000/-. The petitioner hereby undertakes to duly administer the specified property and credits of the deceased in any way concerning her Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

3. The petitioner has examined himself as P.W.1, the attesting witness Mr.Gandhi Doss has been examined as P.W.2 and Exs.P.1 to P.10 have been marked through the witnesses.

4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Mr.K.S.Padmanabhan executed on 15.11.2016.

the said Will is marked as Ex.P.2. Ex.P.1 is the computer generated death certificate of Mr.K.S.Padmanabhan who died on 04.02.2017. Ex.P.3 is the photocopy of the Legal Heir ship Certificate dated 13.12.2017 in respect of Mr.K.S.Padmanabhan Ex.P.6 is the affidavit of assets showing the net value of the estate. Exs.P.7 and P.8 are consent affidavit given by the Respondents 1 and 2 respectively stating that they have no objection in grant of letters of administration to the petitioner as prayed. Ex.P.9 series are the copy of paper publications effected and none objected for the same.

5. P.W.2 Mr.Gandhi Doss is one of the attesting witnesses in the Will. In his evidence, he has stated that the testator has executed his last Will and Testament on 15.11.2016 in his presence and in the presence of Mr.K.Srihari. He subscribed his signature as the first attesting witness along with Mr.T.Suresh, who attested the will as the second attesting witness in the presence of the Testator. He has also stated that the testator was in sound state of mind while executing the Will and he has also seen the testator signing the Will. He further stated that the testator has seen the attesting witnesses subscribing their signatures in the Will. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

6. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in her favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. 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. The petitioner is further directed to render true and correct accounts once in a year.

Sd/.R.P.A.J.
04.03.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/22.03.2021

COURT OFFICER(O.S.)

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