



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 23RD DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N. SESHASAYEE

TOS No. 27 of 2011
(O.P.No. 716 of 2010)

In the matter of the Indian Succession
Act XXXIX of 1925, and

In the matter of Last Will and
Testament of G.Govindammal –
deceased.

G. Munusamy,
S/. Govindasamy,
No.4, Duraiswamy Road,
Natesan Nagar,
Virugambakkam,
Chennai – 600 092.

... Petitioner/Plaintiff

-Vs-

1. Mrs. K. Neela,
W/o. Late Kasinathan,
No.2, Perumal Koil Street,
Virugambakkam,
Chennai – 600 092.

*2. Mrs. D. Palayam (Deceased),
W/o. M. Durai,
No.40, Perumal Koil Street,
Tiruverkadu, Chennai.

3. Mrs. C. Krishnaveni,
W/o. A. Chandran,
No.62, Gangalamman Koil Street,
Virugambakkam,
Chennai – 600 092.



4. Mrs. A. Sathya Ruby,
W/o. Adhimulam,
No.2, Meyamui Street,
New Colony, Porur,
Chennai – 600 116.
5. K. Gopal,
H/o. Lae. G. Annakeli
6. G. Amudha,
W/o. Selvam,
D/o. K. Gopal and Late G.Annakeli
7. G. Elangovan,
S/o. K. Gopal and Late G.Annakeli
8. G. Kabalin,
S/o. K.Gopal and Late G.Annakeli
9. G. Babu,
S/o. K.Gopal and Late G.Annakeli
10. Mrs. G.Anandhi,
W/o. Jayakumar,
D/o. K.Gopal and Late G.Annakeli
Respondents 5 to 10 are residing at
No.3, Porur Trunk Road,
Porur, Chennai – 600 116.

***11.** Mr. Durai,

***12.** Mr. Murali

***13.** Pappi Shakila

***14.** Mr. Sivakumar

***15.** Anandhi

***16.** Nagaraj



***17.** Sumathi,
Defendants 11 to 17 are residing at
No.40, Perumal Koil St,
Tiruverkadu,
Chennai.

... Respondents/Defendants

Defendants 11 to 17 brought on
record as LR's of Deceased D2
as per order dated 17.3.2016 in
Application No. 8280 of 2015 in
TOS No. 27 of 2011.

Testamentary Original Suit praying that this Hon'ble Court be pleased
to grant Letters of Administration with both Will annexed to the petitioner
as her son/legatee under the Wills of the said deceased having effect limited
to the State of Tamilnadu.

This Testamentary Original Suit coming on this day before this Court
for hearing in the presence of Mr.V.Manisekaran, Advocate for the plaintiff
herein and Mr.R.Sunil Kumar, Advocate for the defendants herein and upon
reading the petition filed herein, and the other exhibits therein referred to
and upon perusing the evidence adduced therein, **it is ordered as follows :-**

That upon executing a security bond for a sum of Rs.15,000/-
(Rupees Fifteen Thousand only) in favour of the Assistant Registrar (O.S-

In, High Court, Madras within a period of (3) months from this date, the



plaintiff herein, having complied with the rules of this Court in this behalf

Letters of Administration of the property and credit of G.Govindammal – deceased annexed with the Wills dated 23/12/1993 and 08/03/1994 of the said deceased to have effect limited to the State of Tamil Nadu, do issue herein out of and under the seal of this Court and the same be granted to G.Munusamy, the plaintiff herein.

2. That connected applications do stand closed.

3. That there shall be no costs.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 23RD DAY OF DECEMBER 2021.

Sd/-

JOINT REGISTRAR (O.S)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



5

ED

WEB COPY
05.01.2022

T.O.S No. 27 of 2011
(O.P.No. 716 of 2010)

ORDER

DATED : 23/12/2021

THE HON'BLE MR. JUSTICE
N. SESHASAYEE

FOR APPROVAL: 05/01/2022

APPROVED ON : 05/01/2022



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

T.O.S.No.27 of 2011
in (O.P.No.716 of 2010)

G.Munusamy

... Plaintiff

Vs.

1. K.Neela
W/o Late Kasinathan

2. D.Palayam (Deceased)
W/o M.Durai,

3. C.Krishnaveni
W/o A.Chandran

4. A.Satya Ruby
W/o Adhimulam

5. K.Gopal

6. G.Amudha

7. G.Elangovan

8. G.Kabilan

9. G.Babu

10. G.Anandhi

11. Durai

12. Murali

13. Pappi Shakila

14. Sivakumar

15. Anandhi

16. Nagaraj

17. Sumathi

...Respondents



Prayer: Petition is filed under Sections 232 & 276 of the Indian Succession Act, and Order XXXIX Rule 5 of O.S. Rules for the grant of Letters of Administration with Wills of late G.Govindammal. The letters of Administration with Wills annexed may be granted to the petitioner as her son/legatee under the wills of the said deceased having effect limited to the State of Tamil Nadu.

For plaintiff : Mr.V.Manisekaran

For respondents : R.Sunil Kumar

J U D G M E N T

This Testamentary Original Suit is laid for obtaining the Letters of Administration of Will of Tmt.G.Govindammal, who is the mother of the plaintiff and she is also the mother of the defendants. The Testator is the Mother of the plaintiff, the Testator is also either the mother or the grand mother of the defendants.

2. The defendants herein have earlier laid a suit in C.S.No.602 of 2019 for partition which includes the property covered by the Will of the Mother and other properties. That came to be decreed based on the Compromise Decree by this Court on 28.10.2021. This Court is informed that as per the terms of the compromise, the defendants would be withdrawing the contest to Testamentary Original Suit.



3. Today, the learned counsel for the defendants made a statement that in conformity with the earlier statement made in the Compromise Memo, the defendants would not be contesting in T.O.S.No.27 of 2011.

4. Learned counsel for the plaintiff submitted that in the Testamentary Original Suit, the propounder of the Wills and the testators have been examined and the Wills have been marked as Ex.P1 and Ex.P2. Both the Wills deal with separate schedules of property. Accordingly, P.W.2 proves his attestor is one of the attestors in both the Wills.

5. This Court is satisfied not only with the evidence brought on record in support of proof of genuineness of the Wills and also taking into account of the present stand of the defendants withdrawing the contest.

6. Accordingly, the Testamentary Original Suit is decreed. The Wills are declared to be genuine and the Letters of Administration is directed to be granted.

7. The plaintiff shall execute a security bond for a sum of

Rs.15,000/- (Rupees Fifteen Thousand only) in favour of the Assistant



Registrar (O.S.II), High Court, Madras within a period of three (3) months as required under law. In view of the order made in the Testamentary Original Suit, the connected applications are closed. No costs.

List of the witnesses examined on the side of the plaintiff:

PW1 – Mr.G.Munusamy

PW2 – Mr.M.Ravi

List of Exhibits marked on the side of the plaintiff :

<i>Exhibits</i>	<i>Description</i>	<i>Dated</i>
Ex.P1	The Original Will	28/12/1993
Ex.P2	The Original Will	08/03/1994
Ex.P3	Death Certificate of Govindammal	31/01/1995
Ex.P4	The supporting affidavit filed by Ravi	..
Ex.P5	The original death certificate	19/06/2000
Ex.P6	The affidavit of assets	..
Ex.P7	The consent of affidavit filed by K.Neela	..
Ex.P8	The consent affidavit filed by Krishnaveni	..
Ex.P9	The consent affidavit	..
Ex.P10	The consent affidavit filed by K.Gopal	..
Ex.P11	The consent affidavit filed by G.Amudha	..
Ex.P12	The consent affidavit filed by G.Kabilan	..
Ex.P13	The consent affidavit filed by G.Elangovan	-
Ex.P14	The consent affidavit filed by G.Babu	-
Ex.P15	The consent affidavit filed by G.Anandhi	-

List of the witnesses examined on the side of the defendant:

DW1 – Mrs.C.Krishnaveni

DW2 – Mrs.G.Amudha

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

DW3 – Mr.G.Babu @ Durai Babu

**WEB COPY** **List of Exhibits marked on the side of the defendant:**

<i>Exhibits</i>	<i>Description</i>	<i>Dated</i>
Ex.D1	Photograph	-
Ex.D2	Photograph	-
Ex.D3	Copy of sale deed	10.03.2011
Ex.D4	Copy of settlement deed	08.11.2010
Ex.D5	Sale Deed	10.03.2011
Ex.D6	Xerox Documents(Kani Investments and Credit Pvt. Ltd.)	-
Ex.D7	General Power of Attorney	27.12.2017
Ex.D8	Deed of settlement	27.12.2017
Ex.D9	Sale deed	27.12.2017
Ex.D10	Sale deed	05.01.2018
Ex.D11	Sale deed	08.01.2018
Ex.D12	Sale deed	23.01.2018
Ex.D13	Deed of settlement	23.01.2018
Ex.D14	Proof affidavit of Mr.A.Ravi	13.02.2017
Ex.D15	Not available	-
Ex.D16	Not available	-
Ex.D17	Form – I	08.12.1986

Sd./- N.S.S.J.
23.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.