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

FRIDAY, THE 27TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.198 of 2018

In the matter of the Indian
Succession Act XXXIX of
1925

and

In the matter of the Last Will
and Testament of M.T.Perumal
Chettiar- deceased

1. M.R.SUCHINDRAN
S/o.Late M.P.Ranganathan,
New No.91, Old No.50-A,
Sokkampudur Road,
Ponnairajapuram,
Coimbatore-641001.

2. M.R.KARTHIK
S/o.Late M.P.Ranganathan,
Door No.20/4, II Cross Street,
Kamatchi Nagar,
Chinna Tirupathi,
Salem-636008.

..Petitioners

-Vs-

1. M.P.ANANTHAKRISHNAN
S/o.M.T.Perumal Chettiar
No.71, Villakadai Street,
Kancheepuram - 631 501.



2. MRS.M.P.DHANALAKSHMI
W/o.A.Kannabiran,
No.7/15, 6th Street,
Gopalapuram, Chennai-600086.

3. MRS.M.P.VIMALA
W/o.Nammalwar,
No.1/227, Pilliar Koil Street,
T.Pallur Post, Udayarpalayam Taluk,
Ariyalur District.

4. MRS.M.P.KRISHNAVENI
W/o.T.Saranathan,
No.45-A, Krishnan Kovil Street,
Aduthurai Post,
Kumbakonam District.

5. MRS.JAYALAKSHMI
W/o.Gajapathi,
No.10, A.N.Colony,
Praba Nagar, Muduchur,
Chennai-600048.

6. MRS.USHA RANGANATHAN
W/o.Late M.P.Ranganathan,
New No.91, Old No.50/A,
Sokkampudur Road,
Ponnairajapuram,
Coimbatore-641 001.

7. MRS.LAKSHMI KUMAR
W/o.P.R.Kumar,
No.6, Rangan Street,
T.Nagar, Chennai-600017.

8. MRS.REEMA
D/o.Late M.P.Ranganathan,
No.85, D-1, Anugraha Apartments,
P.T.Rajan Salai, K.K.Nagar,
Chennai-600078.

..Respondents



Original Petition praying that this Hon'ble Court be pleased that this Hon'ble Court may be pleased to grant Letters of Administration with the Will annexed hereto to the grandchildren of deceased M.T.Perumal Chettiar, namely the petitioners 1 and 2 beneficiaries under the Will of the deceased, which would 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:

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 for grant of Letters of Administration in respect of the last Will and Testament of M.T.Perumal Chettiar dated 12.10.1977, in favour of the petitioners as the beneficiary under the Will, having effect throughout the State of Tamil Nadu and limited to the properties mentioned in the Affidavit of Assets.

2. Heard the learned counsel appearing for the parties and perused the materials available on record.

3. In the petition, it is stated as follows:

(a) M.T.Perumal Chettiar ordinarily resided at No.50 A,



18.11.1983, at the above mentioned residence. The petitioners are the sons of the late.M.P.Ranganathan, who is the son of the deceased. The first respondent is the another son of the deceased and the respondents 2 to 5 are the daughters of the deceased. The respondents 6 to 8 are the wife and daughters of late.M.P.Ranganathan. The petitioners and the respondents are the legal heirs of the deceased. The deceased M.T.Perumal Chettiar, at the time of his death, had left the immovable properties at Salem, Kancheepuram and Chennai morefully described in the Schedule A and B of the unregistered Will dated 12.10.1977, in the State of Tamil Nadu within the jurisdiction of this Court.

(b) As per the Will dated 12.10.1977, the deceased bequeathed the Will 'A' schedule with 7 items of property to his elder son M.P.Ananthakrishnan, the first respondent herein, who can enjoy the possession and the income derived from the said properties and after the death of M.P.Ananthakrishnan, the said properties will devolve upon the sons of M.P.Ananthakrishnan.

(c) The deceased bequeathed 'B' schedule with 3 items of properties under the said Will to his younger son M.P.Ranganathan, who can enjoy the possession and the income derived from the properties and after his death,



the 'B' schedule with 3 items of properties will devolve upon his sons viz., the petitioners herein.

(d) The last Will and Testament of the said deceased had been traced out at his residence in the address mentioned above, immediately after his death. Hence, this petition has been filed within the time of limitation.

(e) The said Will was duly executed at Salem on 12.10.1977 in the presence of witnesses whose names appear at the foot thereof. The said Will is an unregistered Will.

(f) By the said Will, the petitioners are the executors of item 3 alone of B schedule property and the petitioners are the beneficiary under the said Will. The present petition is concerned only with respect to the property described in the Affidavit of Assets, left by the deceased and the same is situated within the jurisdiction of this Court.

(g) The petitioners are the legatee under the Will, for which the present grant of Letters of Administration had been sought.

(h) The amount of assets which is likely to come into the hands of the petitioners, does not exceed in aggregate the sum of Rs.30,00,000/- and the net amount of the said assets after deducting all items which the petitioners



by law are allowed to take, is of the value of Rs.30,00,000/-.

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(i) The petitioners hereby undertakes to duly administer the properties and credits of the said deceased, in any way concerning his Will, by paying first his debts, if any 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 grant of Letters of Administration with the Will and also to render to this Court a true account of the properties and credits within one year from the said date.

(j) The petitioners are the beneficiary under the Will, relating to the property described in the Affidavit of Assets which is the subject matter of the present O.P. proceedings. As per the Will, the above property will be enjoyed by the petitioners. The respondents also have no objection whatsoever for the grant of Letters of Administration in favour of the petitioners. There is no other legal heir or next kin or other persons interested to be impleaded.

(k) No application has been made to any District Court or delegate or to any other 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.

Hence, the petitioners have filed the present Original Petition (O.P)



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4. The first petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed Exs.P-1 to P-20. Ex.P1 is the original Sale Deed dated 05.08.1974 executed by J.M.Rajamani Fernandez in favour of Mr.M.T.Perumal Chettiar, registered as Doc.No.1736 of 1974 on the file of the SRO, Thyagaraya Nagar. Ex.P2 is the original Will dated 12.10.1977 executed by Mr.M.T.Perumal Chettiar, which has been attested by two attesting witnesses namely 1. Mr.Natesan and 2. Mr. Thiagarajan. Ex.P3 is the original death certificate of M.T. Perumal Chettiar, who died on 18.11.1983. Ex.P4 is the original Legal Heirship certificate dated 28.06.1985 in respect of the deceased M.T.Perumal Chettiar. Ex.P5 is the photocopy of the death certificate of M.P.Pappammal, who died on 25.03.1996. Ex.P6 is the original death certificate of M.P.Ranganathan, who died on 24.10.2003. Ex.P7 is the original certified copy of the Legal Heirship certificate dated 04.11.2003 in respect of the deceased M.P.Ranganathan. Ex.P8 is the original Encumbrance Certificate dated 04.11.2016. Ex.P9 is the original Encumbrance Certificate dated 05.05.2017. Ex.P10 is the affidavit given by one of the attesting witnesses namely Mr.C.T.Thiagarajan filed at the time of filing this O.P. Ex.P11 is the photocopy of the first petitioner's Aadhaar card bearing No.6052 7888 0434.



the attesting witnesses namely Mr.C.T.Thiagarajan. Ex.P13 is the notarized copy of the identity card of Mr.C.T.Thiagarajan issued by the Bar Council of Tamilnadu and Puducherry. Ex.P14 is the notarized copy of the certificate of practice dated 14.12.1962 issued to Mr.C.T.Thiagarajan by the Bar Council of Madras. Ex.P15 is the photocopy of the Aadhaar card of Mr.C.T.Thiagarajan bearing No.4847 7302 6077. Ex.P16 is the affidavit given by the 2nd petitioner adopting the proof affidavit filed by first petitioner. Ex.P17 is the photocopy of the Aadhaar card of the 2nd petitioner, M.R.Karthik bearing No.4485 4431 6668. Ex.P18 is the affidavit of assets showing the net value of the estate as Rs.30,00,000/-. Ex.P19 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.02.2020. Ex.P20 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 03.03.2020.

5. Considering the averments made in the petition and on perusing the materials available on record, this Court is satisfied that the petitioners are entitled to for issuance of Letters of Administration as prayed for.

6. Accordingly, this petition is ordered. Registry is directed to issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased. 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. The petitioners are further directed to render true and correct accounts once in a year.

Sd/.V.P.N.J.
27.08.2021

//Certified to be a true copy//
Dated this the day of 2021

SU/13.09.2021 COURT OFFICER(O.S.)

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