



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

THURSDAY, THE 16TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.482 of 2018

In the matter of the Indian Succession
Act XXXIX, of 1925
and
In the matter of Last Will and
Testament of Rajammal -deceased

MRS.MARY STELLA
W/o.Mr.Kumar
Plot No.228, Door No.2,
Kambar Street, Thanthai Periyar Nagar,
Taramani, Chennai-113.

..Petitioner

-Vs-

1. MR.R.KUMAR
S/o.Late Rajaram
Plot No.228, Door No.2,
Kambar Street, Thanthai Periyar Nagar,
Taramani, Chennai-113.

2. MR.R.GOPINATHAN
S/o.Late Rajaram Thambalakadu,
Kavangapidia, Kottaiyam,
Kerala, PIN: 686001.

3. MRS.NIRMALA
W/o.Ganesan
Plot No.233, Door No.2,
Kambar Street, Thanthai Periyar Nagar,
Taramani, Chennai-113.

..Respondents



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

Letters of Administration with the Will annexed "A" may be granted to her as daughter-in-law/beneficiary under the Will of the said deceased Mrs.Rajammal having 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 for Letters of Administration with a Will annexed. The petitioner is the daughter in law of the deceased Testatrix, P.Rajammal, who died on 01.10.2013 leaving behind the Will dated 18.05.2001, in which the petitioner is the beneficiary.

2. The petitioner is the daughter in law of the deceased Testatrix and the first respondent is the husband of the petitioner and the second and third respondents are the son and daughter of the deceased Testatrix P.Rajammal. In the Will dated 18.05.2001, there are two attesting witnesses viz., Mr.P.Chellathurai and Mr.K.Babu. The respondents are the only legal heirs of the deceased P.Rajammal as they are her only children and her husband predeceased her.

3. Before the Learned Master, the petitioner Mrs.Mary Stella was



examined as P.W.1. In her deposition, she has reiterated the contents of the petition filed in support of O.P.No.482 of 2018. Through P.W.1, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Original Will and Testament dated 18.05.2001 executed by Mrs.Rajammal, which has been attested by two attesting witnesses viz., 1. Mr.P.Chellathurai and 2. Mr.K.Babu.
Ex.P-2	Computer generated death certificate of P.Rajammal, who died on 01.10.2013.
Ex.P-3	Photocopy of the Allotment Order dated 20.05.1997 issued by Tamil Nadu Slum Clearance Board standing in the name of Rajammal.
Ex.P-4	Affidavit of assets showing the net value of the estate as Rs.4,00,000/-
Ex.P-5	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.07.2019.
Ex.P-6	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 01.08.2019.

4. Both the attesting witnesses of the subject Will (Ex.P1), Mr.P.Chellathurai and 2. Mr.K.Babu were examined as witnesses before the Learned Master. They have deposed that they are well acquainted with the deceased Testatrix P.Rajammal and that only in their presence the Will was executed by P.Rajammal (Testatrix) on 18.05.2001 and affixed her thumb impression in the said Will in their presence and they saw her

affixing her thumb impression on it. They have also deposed that she was in



a sound and disposing state of mind at the time of execution of the said Will (Ex.P1). Both the attesting witnesses have filed separate proof affidavits before the Learned Master supporting the contents of the petition filed in support of O.P.No.482 of 2018.

5. The first respondent is the husband of the petitioner and the son of the deceased Testatrix P.Rajammal and the remaining two respondents are the children of the deceased Testatrix

6. Notice has been duly served in this Petition on all the respondents and till date no objection has been raised for the grant of Letters of Administration in favour of the petitioner by any of them. The names of the respondents have also been printed in the cause list today. Therefore, it can be inferred that they have no objection for grant of Letters of Administration in favour of the petitioner.

7. In the said Will, the Testatrix P.Rajammal has stated that the petitioner, who is her daughter in law, had taken care of her all through her lifetime and out of love and affection to her, she has executed the subject Will (Ex.P1).



8. The husband of P.Rajammal (Testatrix) also predeceased her as seen from the deposition of P.Ws.1 to 3. P.Rajammal (Testatrix) died on 01.10.2013 as evidenced by her death certificate, which has been marked as Ex.P2. The original Will dated 18.05.2001, executed by her has been marked as Ex.P1. Allotment order dated 20.05.1997 issued by Tamil Nadu Slum Clearance Board standing in the name of P.Rajammal (Testatrix), which is the subject matter of the Will has been marked as Ex.P3. The affidavit of assets showing the net value of the estate of the deceased Testatrix has been marked as Ex.P4. The copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.07.2019 with regard to O.P.No. 482 of 2018 has been marked as Ex.P5. The copy of the paper publication effected in one issue of English daily "Trinity Mirror" dated 01.08.2019 with regard to O.P. No.482 of 2018 has been marked as Ex.P6.

9. This Court after giving due consideration to the pleadings as well as evidence available on record is inclined to grant Letters of Administration in favour of the petitioner as the Will dated 18.05.2001 executed by P.Rajammal (Testatrix) has been proved by the petitioner.



10. Accordingly, this Original Petition is allowed as prayed for. Issue

Letters of Administration of the Will dated 18.05.2001 (Ex.P.1) 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/.A.Q.J
16.12.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./27.12.2021

COURT OFFICER(O.S.)

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