



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

THURSDAY, THE 09TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.485 of 2018

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of Last Will and
Testament of
Mr.M.R.Ramakrishnan(Deceased)

1. MR.M.R.GUNASEKARAN
S/o.Late Mr.M.R.Ramakrishnan,
Door No.24/20, Murugan Koil Street,
Madurantakkam, Kancheepuram District.

2. MR.M.R.BALASUBRAMANIAN
S/o.Late Mr.M.R.Ramakrishnan,
Door No.15/28, Murugan Koil Street,
Madurantakkam, Kancheepuram District.

3. MR.M.R.RAMESH
S/o.Late Mr.M.R.Ramakrishnan,
Door No.22, Murugan Koil Street,
Madurantakkam, Kancheepuram District.

..Petitioners

-Vs-

1. MRS.A.JAYALAKSHMI
W/o.Dr.Aravamudan,
No.38, Alagesan Street,
Chenglepattu, Kanchipuram District.



2. MRS.PREMAWATHI ALIAS R.PREMALATHA,
W/o.Dr.Pon Ramalingam,
No.29/49, Car Street,
Madurantakkam, Kancheepuram District.

..Respondents

Original Petition praying that this Hon'ble Court be pleased that the Letters of administration with the WILL annexed may be granted to petitioners as the sons/legatees under the Will of the said deceased having effect limited to the State of TamilNadu.

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 Will annexed.

2. The petitioners are the sons of the deceased Testator, M.R.Ramakrishnan who died on 02.04.2017, leaving behind the petitioners and the respondents as his only legal heirs. The second and third respondents are his daughters. The Testator's wife pre-deceased him on 30.05.2016. The Testator has executed a Will dated 10.03.2017, in which, the petitioners are the beneficiaries. The attesting witnesses to the said Will



daughters of the Testator and the respondents herein. No executor has been appointed in the Will dated 10.03.2017 and under those circumstances, the petitioners have sought for Letters of Administration before this Court.

3. Before the Learned Master, the first petitioner was examined as witness (P.W.1) and he has deposed on behalf of the remaining petitioners also. Through P.W.1, the following documents were marked as Exhibits.

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Origin death certificate of M.R.Ramakrishnan, who died on 02.04.2017.
Ex.P-2	Photocopy of the Legal Heirship certificate dated 15.05.2017 in respect of M.R.Ramakrishnan.
Ex.P-3	Photocopy of the Sale Deed dated 12.02.2007 executed in favour of Ramakrishnan.
Ex.P-4	Original unregistered Will and Testament dated 10.03.2017 executed by M.R.Ramakrishnan, which has been attested by two attestors.
Ex.P-5	Original death certificate of Pazhaniyammal, who died on 30.05.2016
Ex.P-6	Affidavit of assets
Ex.P-7	Consent affidavit given by the 1st respondent
Ex.P-8	Consent affidavit given by the 2nd respondent
Ex.P-9	Photocopy of the property tax collection receipt dated 31.03.2015 standing in the name of Ramakrishnan
Ex.P-10	Copy of paper publication effected in one issue of Tamil daily "Maalai Sudar"dated 06.12.2018.
Ex.P-11	Copy of paper publication effected in one issue of English daily "News Today"dated 18.12.2018.



4. The first petitioner (P.W.1), in his deposition, has reiterated the contents of the petition filed in support of O.P. No.485 of 2018. One of the attesting witnesses to the Will viz., A.Jayalakshmi, the daughter of the Testator has also been examined as witness (P.W.2). She has deposed that the Testator, M.R.Ramakrishnan is her father, who has executed the Will (Ex.P4) dated 10.03.2017 in her presence and in the presence of her sister Premawathi alias R.Premalatha, the second respondent herein. She has also deposed that only on the request made by her father, she had joined with her sister Premawathi alias R.Premalatha and attested the Will (Ex.P4). She has also deposed that M.R.Ramakrishnan, the Testator has affixed his left thumb impression on each page of the Will (Ex.P4) and attesting witnesses have signed the said Will only in his presence. She has also deposed that the Testator was in sound and disposing state of mind, memory and understanding at the time of execution of the Will (Ex.P4).

5. This Court, after giving due consideration to the pleadings as well as the evidence available on record, is of the considered view that the petitioners and the respondents are the only legal heirs of the deceased M.R.Ramakrishnan (Testator), who had executed a Will dated 10.03.2017, in which, the petitioners are the beneficiaries. It is also clear that the



favour of the petitioners, as they have stood as attesting witnesses to the said Will and one of them, viz., A.Jayalakshmi, has also been examined as P.W.2, who has confirmed the execution of the Will by M.R.Ramakrishnan. The death certificate of M.R.Ramakrishnan has been marked as Ex.P1 to confirm that he died on 02.04.2017 and his legal heirship certificate dated 15.05.2017, which has been marked as Ex.P2 also confirms that the petitioners and the respondents are his only legal heirs. The Sale Deed dated 12.02.2007 which is the subject matter of the Will, and owned by the Testator, M.R.Ramakrishnan has also been marked as Ex.P3.

6. An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

7. For the foregoing reasons, the petitioners are granted Letters of Administration of the Will dated 10.03.2017 executed by the deceased Testator, M.R.Ramakrishnan. Accordingly, O.P.No.485 of 2018 is allowed.



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8. Registry is directed to issue Letters of Administration in favour of the petitioners having effect limited to the Union of India, they being the beneficiaries/legatees under the Will of the deceased. The petitioners are 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 the petition. 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 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.
09.12.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./28.12.2021

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