



WEB COPY

1

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

WEDNESDAY, THE 28th DAY OF JULY 2021

THE HON'BLE MR.JUSTICE V.PARTHIBAN

A. No.2063 of 2021

in

O.P. No.502 of 2011

O.P. No.502 of 2011:-

In the matter of the Indian Succession
Act XXXIX of 1925

and

In the matter of Last Will and
Testament of Mrs.Rutty Rajamannar
also known as Mrs.R.Rajamannar
(deceased), last resided at Raag
Durbar, 4th Floor, No.52A, Sterling
Road, Nungambakkam, Chennai-
600034.

1. N.Venkata Subba Rao,
residing at Raag Durbar,
4th Floor, No.52A, Sterling Road,
Nungambakkam, Chennai-600 034.
2. R.V.Sundaram,
residing at No.20/1, Jagannathapuram First Street,
Chetput, Chennai-600 031.
3. **Devan Bahadur Thatikonda Namberumal Chetty Charity Trust, (*)**
rep. by its President, N.Venkatasubba Rao,
having its office at No.52-A,
Raag Durbar Apartments,
Nungambakkam, Chennai-600 034.

... Petitioners

(*)3rd petitioner impleaded as per order dated
~~02.12.2016~~ in A. No.6435 of 2016 and extended
on 22.02.2017



WEB COPY A. No.2063 of 2021:-

1. N.Venkata Subba Rao,
S/o.N.V.Venkata Ramana,
Raag Durbar, 4th Floor, No.52A,
Sterling Road,
Nungambakkam, Chennai-600 034.
2. R.V.Sundaram,
S/o.Late R.S.R.Vallal,
No.20/1, Jagannathapuram First Street,
Chetput, Chennai-600 031.
3. Devan Bahadur Thatikonda Namberumal Chetty Charity Trust,
rep. by its President,
having its office at 4th Floor, No.52-A,
Sterling Road, Chennai-600 034. ... Applicants/Petitioners

Application praying that this Hon'ble Court be pleased to permit the Petitioners to sell the flat of the deceased testator Mrs.Rutty Rajamannar situated in the building, known as "Raag Durbar", 4th Floor, 52-A, Sterling Road, Nungambakkam, Chennai 600 034 and credit the sale proceeds to the account of the 3rd Petitioner i.e. "Diwan Bahadur Thatikonda Namberumal Chetty Charitable Trust, as directed by the testator in her last Will and testament dated 09/07/1998.

This application coming on this day before this Court for hearing in the presence of Mr.Sharath Chandran, Advocate for the applicants herein and upon reading the order herein dated 13.07.2021, and the Court made the



WEB COPY

This Court being not satisfied with the earlier report of the Valuer, by order dated 13.07.2021, has appointed Mr.T.A.S.Raja Gopalan, Approved Panel Valuer to prepare a report in respect of the present market value and submit the same before this Court. In terms of the direction, a report dated 24.07.2021 has been filed by the Court appointed Valuer. This Court finds that there is a substantial difference between the market price indicated in the earlier report and the present report. As per the present report, the value of the Apartment is Rs.168.00 Lakhs as against the market value of Rs.128 Lakhs assessed in the earlier report dated 07.06.2021.

2.In the said circumstances, this Court permits the first applicant to sell the flat of the deceased testator under the price indicated in the report and credit the same to the third petitioner/Dewan Bahadur Thatikonda Namberumal Chetty Charitable Trust in terms of the will and testament of the testator in her last Will and Testament dated 09.07.1998. The compliance report shall be filed before this Court within a period of three months from the date of receipt of copy of this order.

WITNESS THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
28th DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR(O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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



WEB COPY EVK

17/08/2021

4

A. No.2063 of 2021
in
O.P. No.502 of 2011

ORDER:-

DATED : 28.07.2021

THE HON'BLE MR.JUSTICE
V.PARTHIBAN

FOR APPROVAL: 18/08/2021

APPROVED ON : 18/08/2021



WEB COPY

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

WEDNESDAY, THE 28th DAY OF JULY 2021

THE HON'BLE MR.JUSTICE V.PARTHIBAN

A. No.2063 of 2021

in

O.P. No.502 of 2011

O.P. No.502 of 2011:-

In the matter of the Indian Succession
Act XXXIX of 1925

and

In the matter of Last Will and
Testament of Mrs.Rutty Rajamannar
also known as Mrs.R.Rajamannar
(deceased), last resided at Raag
Durbar, 4th Floor, No.52A, Sterling
Road, Nungambakkam, Chennai-
600034.

1. N.Venkata Subba Rao,
residing at Raag Durbar,
4th Floor, No.52A, Sterling Road,
Nungambakkam, Chennai-600 034.
2. R.V.Sundaram,
residing at No.20/1, Jagannathapuram First Street,
Chetput, Chennai-600 031.
3. **Devan Bahadur Thatikonda Namberumal Chetty Charity Trust, (*)**
rep. by its President, N.Venkatasubba Rao,
having its office at No.52-A,
Raag Durbar Apartments,
Nungambakkam, Chennai-600 034.

... Petitioners

(*)3rd petitioner impleaded as per order dated
02.12.2016 in A. No.6435 of 2016 and extended
on 22.02.2017



WEB COPY A. No.2063 of 2021:-

1. N.Venkata Subba Rao,
S/o.N.V.Venkata Ramana,
Raag Durbar, 4th Floor, No.52A,
Sterling Road,
Nungambakkam, Chennai-600 034.
2. R.V.Sundaram,
S/o.Late R.S.R.Vallal,
No.20/1, Jagannathapuram First Street,
Chetput, Chennai-600 031.
3. Devan Bahadur Thatikonda Namberumal Chetty Charity Trust,
rep. by its President,
having its office at 4th Floor, No.52-A,
Sterling Road, Chennai-600 034. ... Applicants/Petitioners

Application praying that this Hon'ble Court be pleased to permit the Petitioners to sell the flat of the deceased testator Mrs.Rutty Rajamannar situated in the building, known as "Raag Durbar", 4th Floor, 52-A, Sterling Road, Nungambakkam, Chennai 600 034 and credit the sale proceeds to the account of the 3rd Petitioner i.e. "Diwan Bahadur Thatikonda Namberumal Chetty Charitable Trust, as directed by the testator in her last Will and testament dated 09/07/1998.

This application coming on this day before this Court for hearing the Court made the following order:-

This Court being not satisfied with the earlier report of the Valuer, by order dated 13.07.2021, has appointed Mr.T.A.S.Raja Gopalan, Approved



Panel Valuer to prepare a report in respect of the present market value and submit the same before this Court. In terms of the direction, a report dated 24.07.2021 has been filed by the Court appointed Valuer. This Court finds that there is a substantial difference between the market price indicated in the earlier report and the present report. As per the present report, the value of the Apartment is Rs.168.00 Lakhs as against the market value of Rs.128 Lakhs assessed in the earlier report dated 07.06.2021.

2.In the said circumstances, this Court permits the first applicant to sell the flat of the deceased testator under the price indicated in the report and credit the same to the third petitioner/Dewan Bahadur Thatikonda Namberumal Chetty Charitable Trust in terms of the will and testament of the testator in her last Will and Testament dated 09.07.1998. The compliance report shall be filed before this Court within a period of three months from the date of receipt of copy of this order.

Sd./-V.P.N.J.
28/07/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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