



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

MONDAY, THE 26TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No. 1020 of 2019

In the matter of the Indian
Succession Act XXXIX of 1925
and
In the matter of the Last
Will , Codicil and Testament of Late
Smt.Radha Bai Lakshmanaswami
Mudaliar-deceased.

1. Smt.MAHALAKSHMI RAMAKRISHNAN
W/o.Late Sri.V.N.Ramakrishnan,
residing at No.20, Ulsoor Cross,
Hal II Stage Ulsoor,
Bangalore-560 008

2. Smt.a.Vanithalakshmi
W/o.Late Sri.Ananthakrishna Mudaliar,
residing at No.858, Poonamallee High Road,
Kilpauk, Chennai-600 010.

..Petitioners

-Vs-

1. NIRANJAN MUDALIAR
S/o.Late Sri Ananthakrishna Mudaliar,
residing at No.858, Poonamallee High Road,
Kilpauk, Chennai-600 010

2. PRAMILA VENUGOPAL
W/o.Dr.Mani Venugopal,
residing at "Corner Stone", 11/4, Ulsoor Road,
Bangalore-560 042



3. Mrs. MOHANA VENUGOPAL
W/o. Late Dr. Arcot Venugopal,
residing at 860, Poonamallee High Road,
Chennai-600 010

4. DR. A. V. JAYAGOPAL
S/o. Late Dr. Arcot Venugopal,
residing at No. 860, Poonamallee High Road,
Chennai-600 010

5. DR. A. V. HARENDRA
S/o. Late Dr. Arcot Venugopal,
residing at AJ 23, 5th Street, 9th Main Road,
Anna Nagar, Chennai-600 040

6. Mrs. BRINDA MANISUNDARAM
D/o. Late Dr. Arcot Venugopal,
residing at 860, Poonamallee High Road,
Chennai-600 010

7. DR. A. R. BALAKRISHNAN
S/o. Late Dr. Arcot Ramachandra,
22, Rajarathnam Street, Kilpauk,
Chennai-600 010

8. DR. MAHENDRA RAMACHANDRAN
S/o. Dr. Arcot Ramachandra,
residing at No. 15568 NW Wismer
Dr. Portland Or 97229,
USA

..Respondents

Original Petition praying that this Hon'ble Court be pleased to Allow the petitioners herein to prove the Will dated 29.09.1971 and the Codicil dated 04.06.1973 of the deceased Smt. Radha Bai Lakshmanaswami Mudaliar in common form, and that probate thereof, to have effect throughout the State of Tamil Nadu be granted to the petitioners.



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 222 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, to allow the petitioners herein to prove the Will dated 29.09.1971 and the Codicil dated 04.06.1973 of the deceased Smt.Radha Bai Lakshmanaswami Mudaliar in common form and that probate thereof, to have effect throughout the State of Tamil Nadu be granted to the petitioners.

2.In the petition, it is stated that the deceased Smt.Radha Bai Lakshmanaswami Mudaliar died on 02.07.1992 at her permanent residence at No.860, Poonamalle High Road, Chennai – 600010. The deceased executed the Will and Codicil dated 29.09.1971 & 04.06.1973 respectively and the Settlement Deed dated 04.06.1973 registered as Document No.3322 of 1973. The Testatrix appointed the first petitioner as the sole executrix of the Will and the second petitioner as the sole executrix of the Codicil. The 1st Petitioner is the daughter of Testatrix and 2nd petitioner is the daughter-in-law of the Testatrix. The 3rd Respondent is the daughter-in-law of the Testatrix and all other respondents are the grand children of the deceased, of whom only the 1st and 2nd respondents are the beneficiaries under the



hands does not exceed in the aggregate sum of Rs.1,43,08,520/- under the Will and Rs.13,50,92,100/- under the Codicil the net amount of the said assets after deducting all the items will be of Rs.1,43,08,520/- under the Will and Rs.13,50,92,100/- under the Codicil. The petitioners have impleaded all the next of kin of the deceased and other persons interested as respondents and there is no next kin or other persons interested to be impleaded. The petitioners have also obtained the consent affidavits of the respondents. The petitioners undertake to duly administer the property and credits of the deceased Smt.Radha Bai Lakshmanaswami Mudaliar and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Probate to the petitioners and also to render to this Court a true account of the said property and credits within one year from the said date. No application has been filed in any other Court for the Probate of the Will and Codicil of the said deceased or Letters of Administration with or without the Will annexed to her property.

3. As per the Order of this Court dated 06.07.2021, an Advocate Commissioner was appointed for examining the 1st petitioner and file a report before this Court. The 1st petitioner narrated the averments made in



the petition stating that the petitioners have filed this petition for the grant of probate in favour of the petitioners in respect of the Last Will and Codicil executed by the Testatrix on 29.09.1971 and 04.06.1973 respectively. Exs.P1 & P4 is the originals of the Will and Codicil dated 29.09.1971 and 04.06.1973 respectively. Ex.P2 is the death certificate of the Testatrix, Smt.Radha Bai Lakshmanaswami Mudaliar, who died on 02.07.1992. Ex.P3 is the affidavit of Mrs.Mohana Venugopal identifying and confirming the signature of the husband of the Testatrix. Ex.P5 is the affidavit witness of the 1st petitioner. Ex.P6 is the lease deed dated 20.07.2009 and Ex.P7 is the settlement deed dated 04.06.1973. Exs.P8 to P17 are the consent affidavits of the respondents and the petitioners. Ex.P18 is the valuation of assets under the Will copy. Ex.P19 is the valuation of assets under the Codicil Copy. A memo was filed by the respondents stating that they do not intend to cross examination.

4. From the averments made in the petition and the report of the Advocate Commissioner supported by documents Exs.P1 to P19, it is clear that the petitioners have proved their claim and there is no contra evidence. Hence, this Court is satisfied that the petitioners are entitled to the relief sought for.



5.The Original Petition is ordered. Grant probate of the Will in respect of the petitioners.

Sd/.V.P.N.J.
26.07.2021

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

SU-25.08.2021 COURT OFFICER(O.S.)

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