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

FRIDAY, THE 13TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.528 of 2018

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of the Last Will
and Testament of Late
A.M.Arunachala Mudaliar

MR.V.SENTHIL NARAYANAN
S/o.Mr.A.Vanarajan,
No.52/12, Soundarya Colony,
Anna Nagar West Extn.,
Chennai- 600 101

..Petitioner

-Vs-

1. MR.A.VANARAJAN
S/o.Late Mr.A.M.Arunachala Mudaliar
No.52/12, Soundarya Colony,
Anna Nagar West Extn.,
Chennai- 600 101

2. MR.A.MANIMUDI @ A.VENKATESAN
S/o.Late Mr.A.M.Arunachala Mudaliar,
No.76, Thirupalli Street,
Sowcarpet, Chennai- 600 079

3. MRS.M.SURIYA KUMARI
W/o.Mr.A.Manimudi @ A.Venkatesan
No.76, Thirupalli Street,
Sowcarpet, Chennai- 600 079

**4. MRS.SUGANTHA CHAKRAPANI**

W/o.Late A.Chakrapani,
Kumaran Paradise
No.12, Flat C2, Vetrivel Nagar Extension,
II Street, Kolathur,
Chennai- 600 099

5. MRS.V.GEETHA

D/o.Late A.Chakrapani,
No.1/8, 1st Street, 1st Floor,
Thirupathy Nagar,
Kolathur, Chennai- 600 099

6. MRS.C.LATHA RANI,

D/o.Late A.Chakrapani,
No.10/11, G.R.Flats,
1st Floor, Govardhan Street,
Royapettah, Chennai- 600 014

7. MRS.K.UMARANI

D/o.Late A.Chakrapani,
No.4, Iyyappa Nagar,
1st Street, Kolathur,
Chennai-600 099

8. MR.C.BATHRINATH

S/o.Late A.Chakrapani,
No.H-25, TNHB Colony,
Anjugam Nagar,
Kolathur, Chennai- 600 099

9. C.JAYANTHI

D/o.Late A.Chakrapani,
Kumaran Paradise,
No.12, Flat C2, Vetrivel Nagar Extention,
2nd Street, Kolathur,
Chennai- 600 099

10. MRS.INDUMATHI

W/o.S.Ashokan,
No.934, 6th Avenue,



Anna Nagar, Chennai- 600 040

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11. MR.G.RAJARAJAN

S/o.S.P.Govindarajan,
No.23B, 1st Cross Street,
Jaswanth Nagar, Nolumbur,
Chennai- 600 037

12. MRS.R.LATHA

W/o.A.Rajkumar,
No.1, Manjulai 2nd Main Road,
Ekkanttuthangal,
Chennai- 600 032

13. G.MURALIDHARAN

S/o.S.P.Govindarajan
No.431, East End Road,
Paneer Nagar, Mogapair,
Chennai -600 037

14. S.SHANTHA KUMARI

W/o.V.Srinivasan,
Old No.8/2, New No.5/2,
Poompuhar Nagar, 1st Cross Street,
Kolathur, Chennai- 600 099

..Respondents

Original Petition praying that this Hon'ble Court be pleased to grant the Letters of Administration with the Will annexed, to the petitioner as the grandson/legatee under the Will of the said document having effect limited to the State of Tamil Nadu.

This Original Petition coming on this day before this court for hearing



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This Petition has been filed under Sections 232, 255 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 Mr.A.M.Arunachala Mudaliar dated 17.05.1963, in favour of the petitioner 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) Mr.A.M.Arunachala Mudaliar ordinarily resided at No.22, Thirupalli Street, George Town, Chennai-600 001 and he died on 24.05.1965. The petitioner and the respondents are the legal heirs of the deceased. The deceased Mr.A.M.Arunachala Mudaliar, at the time of his death, had left the immovable property at No.45, Patel Road, Perambur, Chennai-11, in the State of Tamil Nadu within the jurisdiction of this Court.

(b) In spite of diligent search and efforts taken by the petitioner, the



original Will of the Testator dated 17.05.1963 is not traceable. Moreover, What is available is only the certified copy of the registered Will. Therefore, this has resulted delay in filing the petition for Letters of Administration.

(c) According to the petitioner, one of the beneficiary Mr.C.Bathrinath, the eighth respondent herein, S/o. Late A.Chakrapani has filed a petition in O.P.No.542 of 2006, and this Court granted letters of administration by an order dated 10.04.2007, in respect of his share in the Will.

(d) The said Will was duly executed at Chennai on 17.05.1963 in the presence of witnesses whose names appear at the foot thereof and registered as Document No.41/1963 with the District Registrar, North Chennai.

(e) By the said Will, the deceased had appointed his wife Smt.Radha Bai Ammal as executrix and she was in possession of the aforesaid Will till her death on 17.08.1997. She died without disclosing the whereabouts of the Will dated 17.05.1963. The petitioner is the beneficiary under the said Will. The present petition is concerned only with respect to the properties described in the Affidavit of Assets, left by the deceased and the same is situated within the jurisdiction of this Court.



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(f) The petitioner is the legatee under the Will, for which the present grant of Letters of Administration had been sought.

(g) The amount of assets which is likely to come into the hands of the petitioner, does not exceed in aggregate the sum of Rs.25,00,000/- and the net amount of the said assets after deducting all items which the petitioner by law is allowed to take, is of the value of Rs.25,00,000/-.

(h) The petitioner 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.

(i) The petitioner is 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 petitioner. The respondents also have no objection



whatsoever for the grant of Letters of Administration in favour of the petitioner. There is no other legal heir or next kin or other persons interested to be impleaded.

(j) 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 petitioner has filed the present Original Petition (O.P) for the relief stated supra.

4. The 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 certified copy of the Will dated 17.05.1963 executed by Mr.A.M.Arunachala Mudaliar, which has been attested by two attesting witnesses namely 1. V.M. Anantha Raman and 2. T.D.Padmanabhan. Ex.P2 is the computer generated copy of the death certificate of A.M.Arunachala Mudaliar, who died on 24.05.1963. Ex.P3 is the photocopy of the Order dated 10.04.2007 in O.P.No.542 of 2006. Ex.P4 is the computer generated copy of the death certificate of D.Anusiya, who died on 14.03.2009. Ex.P5

is the computer generated copy of the death certificate of Radha Bai



Ammal, who died on 17.08.1997. Ex.P6 is the computer generated copy of the death certificate of Ganesh Kumari. G, who died on 20.12.2012. Ex.P7 is the computer generated copy of the death certificate of S.P.Govindarajan, who died on 22.04.2015. Ex.P8 is the certified copy of the Sale Deed dated 28.02.1958 Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.25,00,000/-. Ex.P10 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 22.02.2020. Ex.P11 is a copy of paper publication effected in one issue of English daily "News Today" dated 03.03.2020. Ex.P12 is the certified copy of the order dated 10.04.2007 passed in O.P.No.542 of 2006 by this Court. Ex.P13 is the consent affidavit given by the 1st respondent stating that he has no objection in grant of Letters of Administration as prayed in the petition. Ex.P14 is the consent affidavit given by the 4th respondent stating that she has no objection in grant of Letters of Administration as prayed in the petition. Ex.P15 is the consent affidavit given by the 5th respondent stating that she has no objection in grant of Letters of Administration as prayed in the petition. Ex.P16 is the consent affidavit given by the 6th respondent stating that she has no objection in grant of Letters of Administration as prayed in the petition. Ex.P17 is the consent affidavit given by the 7th respondent stating that she has no objection in grant of Letters of Administration as prayed in the petition. Ex.P18 is the consent affidavit given by the 8th respondent



stating that he has no objection in grant of Letters of Administration as prayed in the petition. Ex.P19 is the consent affidavit given by the 9th respondent stating that she has no objection in grant of Letters of Administration as prayed in the petition. Ex.P20 is the consent affidavit given by the 14th respondent stating that she has no objection in grant of Letters of Administration as prayed in the petition.

5. The eighth respondent was examined as P.W.2 and he filed proof affidavit stating the facts of this case and the same may be treated as part and parcel of his examination-in-chief. In continuation of the proof affidavit, the following document is marked as exhibits. Ex.P12 is the certified copy of the order dated 10.04.2007 passed in O.P.No.542 of 2006 by this Court. He have no objection in granting letters of administration in respect of the Will dated 17.05.1963 executed by Mr.A.M.Arunachala Mudaliar.

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



7. Accordingly, this petition is ordered. Registry is directed to issue

Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased. 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/.V.P.N.J.
13.08.2021

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

SU/08.09.2021 COURT OFFICER(O.S.)

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