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

WEDNESDAY, THE 07TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.NO. 390 OF 2020

IN THE MATTER OF THE INDIAN
SUCCESSION ACT, 1925 ACT
XXXIX OF 1925

AND

IN THE MATTER OF THE LAST
WILL AND TESTAMENT OF
MR.G.S.NARAYANASWAMY
(DECEASED) DATED 05.04.2019

MR.S RAMAKRISHNAN,
AGED 54 YEARS,
S/O.MR.L.SUNDARAM,
PLOT NO.84, NO.4/6, NEHRU NAGAR,
RAMAPURAM, CHENNAI – 600089

..PETITIONER

-VS-

1. MRS.KAMAKSHI JANAKIRAMAN,
AGED 74 YEARS,
D/O K.S.RAMADURAI,
NO.3, SILVER OAK APARTMENTS,
NORTH AVENUE, SRINAGAR COLONY,
SAIDAPET, CHENNAI - 600015

2. MRS. SHEELA SUNDARAM
AGED 71 YEARS,
D/O K.S.RAMADURAI,
25/10, CHAKRAPANI STREET EXTENSION,
KODAMBAKKAM, CHENNAI - 600024



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3. MR.R.KRISHNAMURTHY,
AGED 69 YEARS,
S/O K.S.RAMADURAI,
11, TEMPLE AVENUE,
12, AMRITHAVANAM FLATS,
SRINAGAR COLONY, SAIDAPET,
CHENNAI - 600015

4. MRS.USHA KANNAN,
AGED 65 YEARS,
W/O R.KANNAN RAMADURAI,
PLOT NO.A1, FLAT NO. F2,
MITRA NIVAS BALA GARDEN EXTENSION,
NOOTHENCHERI, MADAMBAKAM,
CHENNAI - 600 126

5.MR.R.RANGANATHAN,
AGED 64 YEARS,
S/O K.S.RAMADURAI,
1C, ABIRAMI FLATS,
NEW COLONY SOUTH SECTOR FIRST STREET,
ADAMBAKKAM, CHENNAI - 600088

6.MRS. JAYASHRI KRISHNASWAMY,
(AGED 61 YEARS)
D/O K.S.RAMADURAI,
12/6, DWARAKA, NEW COLONY,
3RD STREET, ADAMBAKKAM,
CHENNAI - 600088

7. Mrs.UMA RAVICHANDRAN,
(AGED 59 YEARS)
D/O K.S.RAMADURAI,
B3D, KANYA PARK VIEW APARTMENTS,
RAJAMANNAR SALAI
(OPPOSITE TO SIVAN PARK),
KK NAGAR, CHENAI - 600078

8.MRS.LAKSHMI CHANDRASEKAR,
AGED 56 YEARS,
D/O K.S.RAMADURAI,



B2C, KANYA PARK VIEW APARTMENTS,
RAJAMANNAR SALAI
(OPPOSITE TO SIVAN PARK),
KK NAGAR, CHENNAI - 600078

9.MR.SRIKNTH @ SRIKANTHAN,
(AGED 55 YEARS),
S/O K.S.RAMADURAI,
1/16G, BLOCK, 3RD FLOOR,
VASANTH APTS, VELACHERY,
CHENNAI 600042

10.MRS.SETHU SUNDARAM,
(AGED 77 YEARS),
FLAT 2 D, HARMONY'S SYMPHONY,
53/54, R.K.SHANMUGAM ROAD,
K.K.NAGAR, CHENNAI - 600078

11. UMA CHANDRAMOULEESWARAN,
(AGED 59 YEARS),
W/O CHANDRAMOULEESWARAN,
PLOTS 8/9, LAKSHMINARAYANA LAYOUT,
ADI ANNAMALAI,
THIRUVANNAMALAI - 606604

12. S.NATARAJAN,
(AGED 57 YEARS),
S/O L.SUNDARAM,
18, (FIRST FLOOR), 4TH CROSS,
RAM ANJANEYA LAYOUT,
MARATHALLI, BANGALORE - 560037,
KARNATAKA.

13.MRS.LAKSHMI RAMANATHAN,
(AGED 75 YEARS)
FLAT 3 A, SRI CHAKRA SUNRISE,
28, ANNAMALAI COLONY,
VIRUGAMBAKKAM,
CHENNAI 600092

14. K.R.SUBRAMANIAN,
(AGED 56 YEARS),



S/O K.V.RAMANATHAN,
D901, CENTRAL PARK,
GOLF COURSE ROAD,
SECTOR 42 GURUGRAM,
HARYANA - 122001

15. SHOBHA RAJAGOPALAN,
(AGED 51 YEARS),
W/O RAJAGOPALAN,
PLOT NO.18, ANNAMALAI COLONY,
NEAR VIRUGAMBAKKAM,
POLICE STATION,
VIRUGAMBAKKAM,
CHENNAI-600092

16.MRS.APARNA SAIGANESH,
(AGED 46 YEARS),
W/O. SAIGANESH,
FLAT 3 A, SRI CHAKRA SUNRISE,
28, ANNAMALAI COLONY,
VIRUGAMBAKKAM, CHENNAI - 600092

17.MRS.SARASWATHI SRINIVASAN,
(AGED 73 YEARS)
NO.39, NORTH PARK STREET,
VENKATAPURAM, AMBATTUR,
CHENNAI - 600053

18.MR.S.SHYAMSUNDAR,
(AGED 51 YEARS),
S/O. DR.T.SRINIVASAN,
R502, METROZONE,
44 PILLAYAR KOIL STREET,
OFF JAWAHARLAL NEHRU SALAI,
ANNANAGAR, CHENNAI - 600040

19.MR.SATISH SRINIVASAN,
(AGED 46 YEARS),
S/O.DR.T.SRINIVASAN,
R502, METROZONE,
44, PILLAYAR KOIL STREET,
OFF JAWAHARLAL NEHRU SALAI,



ANNANAGAR, CHENNAI - 600040

20.MRS. KOKILA SWAMINATHAN,
(AGED 66 YEARS),
W/O G.V.SWAMINATHAN,
RITE CHOICE LAKSHMI FLATS,
GROUND FLOOR, FLAT NO.2,
OLD NO.8, NEW NO.23,
1ST STREET, SUBRAMANIYA NAGAR,
KODAMBAKKAM, CHENNAI - 600024

21.MR.KARTHICK,
AGED 37 YEARS,
S/O.MR.G.V.SWAMINATHAN,
RITE CHOICE LAKSHMI FLATS,
GROUND FLOOR, FLAT NO.2, OLD NO.8,
NEW NO.23, 1ST STREET,
SUBRAMANIYA NAGAR,
KODAMBAKKAM, CHENNAI - 600024

22.MRS.S.THILLAYAMMAL,
AGED 62 YEARS,
W/O.OF SURESHKUMAR,
NO.34, VALLIYAMMAL GARDEN MAIN ROAD,
RANGARAJAPURAM,
KODAMBAKKAM,
CHENNAI - 600024

..Respondents

Original Petition praying that this Hon'ble Court be pleased that the petitioner may be allowed to prove the will of G.S.Narayanaswamy (the said deceased) dated 5/4/2019 registered as document No.13 of 2019 in Book 3, in the office of the Sub Registrar of Kodambakkam in common form, and that probate thereof, to have effect limited to the State of Tamil Nadu may be granted to the petitioners.



WEB COPY 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, 255 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, 1956 for the grant of Probate in respect of the last Will and Testament of the deceased Mr.G.S.Narayanaswamy.

2.In the petition, it is stated that the deceased Mr.G.S.Narayanaswamy died on 19.06.2020 at his residence at No.8/1, 1st street Subramaniya Nagar, Kodambakkam, Chennai – 600 024. The deceased executed a Will dated 05.04.2019. The petitioner is the Executor appointed under the Will. The deceased had no issues and one of the two sisters of the deceased predeceased him. The 20th respondent who is the care taker predeceased the deceased. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.90,51,586/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only to the value of Rs.89,31,586/-. The petitioner has impleaded all the next kin of the deceased and other persons interested as respondents and there is no next kin or other persons interested

to be impleaded. The petitioner undertakes to duly administer the property



and credits of the deceased G.S.Narayanaswamy 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 petitioner 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 of the said deceased or Letters of Administration with or without the Will annexed to her property.

3.The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioner has filed this petition for the grant of probate in her favour in respect of the Last Will and Testament executed by the testatrix on 05.04.2019. Ex.P1 is the original registered sale deed dated 12.08.1959. Ex.P2 is the original agreement for development dated 12.11.1999, Ex.P.3 is the original agreement for promotion dated 09.12.2002. Ex.P.4 is the original last Will dated 05.04.2019. Ex.P.5 is the computer generated death certificate of the Testator. Ex.P.6 is the computer generated death certificate of N.Vasantha Mallika. Ex.P.7 is the affidavit of assets.



4. One of the attestors of the Will dated 05.04.2019 viz., K.Upendiran was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed his last Will and Testament on 05.04.2019 in his presence and in the presence of one J. Joseph Pradeep. At the request of the testatrix, P.W.2 subscribed his signature as first attesting witness along with J. Joseph Pradeep, who attested the Will as the second attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding. Ex.P.8 is his affidavit in this regard.

5. Another attesor of the Will dated 05.04.2019 viz., J. Joseph Pradeep was examined as P.W.3. In his evidence, P.W.3 has stated that the testatrix executed his last Will and Testament on 05.04.2019 in his presence and in the presence of one K.Upendiran (P.W.2). At the request of the testatrix, P.W.3 subscribed his signature as second attesting witness along with K.Upendiran, who attested the Will as the first attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding. Ex.P.9 is his affidavit in this regard.



6.From the averments made in the petition and the deposition of P.W.1 supported by documents Exs.P.1 to P.7, it is clear that the petitioner has proved his claim and there is no contra evidence. Hence, I am satisfied that the petitioner is entitled to the relief sought for.

7.The Original Petition is ordered. Grant probate of the Will in respect of the petitioner.

Sd/.V.P.N.J.
07.07.2021

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

SU/19.07.2021 COURT OFFICER(O.S.)

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