

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

FRIDAY, THE 26TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P. No.1008 of 2019

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of the Last Will and
Testament of G.Satyendran,
deceased.

S.RAVINDRAKUMAR
S/o.S.K.Siva,
33/17, Samy Reddy Street,
Egmore, Chennai-600 008

..Petitioner

Original Petition praying that this Hon'ble Court be pleased that
Letters of Administrative with the will dated 27.08.2009 of Late
G.Satyendran, annexed may be granted to him as the brother-in-laws
son/beneficiary/legatee of the said deceased having effect through 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 under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in respect of the last Will and Testament of Mr.G. Sathyendran.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Mr.G. Sathyendran executed on 27.08.2009 in favour of the petitioner. The Petitioner is the brother-in-law's son of the deceased Mr.G. Sathyendran. The said Mr.G. Sathyendran died on 29.03.2019 leaving the petitioner as his next of kin according to Hindu Succession Act. The deceased ordinarily resided at Chennai. The parents and wife of the deceased predeceased him. The said deceased at the time of his death possessed and left properties in Chennai and within the jurisdiction of this Court. The Testator has not appointed any executor in his Will. Except the petitioner, no one available to be impleaded in this petition. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.43,13,330/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.42,93,330/-. The petitioner hereby undertakes to duly administer the specified property and

credits of the deceased in any way concerning her Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

3. The petitioner has examined himself as P.W.1, the attesting witness Mr.S. Mohan Kumar has been examined as P.W.2 and Exs.P.1 to P.9 have been marked through the witnesses.

4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Mr.G. Sathyendran executed on 27.08.2009. The said Will is marked as Ex.P.5. Ex.P.6 is the computer generated death certificate of Mr.G.Sathiyendran who died on 29.03.2019. Ex.P.3 is the original death certificate of Mrs.M.Yashodha wife of the Testator, who died on 18.02.2006. Ex.P.4 is the photocopy of the Legar Herirship Certificate dated 17.04.2006 in respect of Mrs.M.Yashodha Ex.P.7 is the affidavit of

assets showing the net value of the estate. Exs.P.8 series are the copy of paper publications effected and none objected for the same.

5. P.W.2 Mr.S.Mohan Kumar is one of the attesting witnesses in the Will. In his evidence, he has stated that the testator has executed his last Will and Testament on 27.08.2009 in his presence and in the presence of Mr.K.Srihari. He subscribed his signature as the first attesting witness along with Mr.K.Srihari, who attested the will as the second attesting witness in the presence of the Testator. He has also stated that the testator was in sound state of mind while executing the Will and he has also seen the testator signing the Will. He further stated that the testator has seen the attesting witnesses subscribing their signatures in the Will. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

6. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in her favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly

administer the properties and credits of the deceased more fully described in the schedule. 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/.R.P.A.J.
26.02.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/19.03.2021

COURT OFFICER(O.S.)

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

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