



TOS No.8 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

T.O.S. No.8 of 2019

1. C.R.Seshadri
2. C.R.Rangarajan
3. K.Arun Vijayakumar
4. K.Prabhu Venkatesh

... Plaintiffs

Vs.

1. P.Lakshmi Latha
2. S. Vanishree
3. C.R.Rajinishree

... Defendants

Prayer : Complaint filed under Sections 232 and 276 of the Indian Succession

Act XXXIX of 1925 for the grant of Letters of Administration.

For Plaintiffs

: Mr.J.R.K.Bhavanantham



TOS No.8 of 2019

JUDGMENT

WEB COPY

An original petition filed by the plaintiffs in OP No.569 of 2016 was converted into a Testamentary Original Suit and numbered as TOS No.8 of 2019, upon opposition by the respondents in the original petition. After having filed a caveat, the respondents/defendants did not file a written statement. Hence they were set *exparte* and the matter was referred to the Master for recording evidence.

2. The plaintiffs filed an application in Application No.1143 of 2020 seeking to examine the attesting witness to the Will Mr.R.Kannan, by appointing a Commissioner. That application was acceded to by this Court on 06.08.2020 and the deposition of the attesting witness was recorded by the Commissioner. The said deposition along with the Report of the Commissioner has been filed into Court. The attesting witness has produced the Will which has been marked as Ex.P1 and the affidavit of the attesting witness filed along with the original petition has been marked as Ex.P2. The attesting witness has deposed that he along with one Sampath



TOS No.8 of 2019

WEB COPY

were present at the time of the execution of the Will at the Sub Registrar's Office, Purasaiwakkam. It is also stated that the testator signed the Will in their presence in all three pages and they also attested the Will in his presence. The first plaintiff was examined as P.W.2 and through him the death certificate of the testator has been marked as Ex.P3. The legal notice and the reply have been marked as Ex.P4 and Ex.P5.

3. Accepting the evidence of the attesting witness, I conclude that the plaintiffs have proved the execution of the Will in the manner known to law. Hence this suit is decreed, the letters of administration with the copy of the will annexed is granted to the plaintiffs. The first plaintiff shall execute a security bond for a sum of Rs.25,000/- (Rs. Twentyfive thousand only).

22.10.2021

jv

Index: No
Internet: Yes
Speaking order

3/5



TOS No.8 of 2019

WEB COPY

List of the Witnesses examined on the side of the Plaintiffs :

- | | |
|----------|--------------|
| 1. P.W.1 | R.Kannan |
| 2. P.W.2 | C.R.Seshadri |

List of Exhibits marked on the side of the Plaintiffs :

<i>Sl.No.</i>	<i>Exhibits</i>	<i>Description of documents</i>
1	Ex.P1	The Will
2	Ex.P2	The affidavit of the attesting witness filed along with the original petition
3	Ex.P3	Computer generated Death Certificate of Mr.R.V.Ramadurai
4	Ex.P4	The original lawyer notice dated 02.01.2015 issued by the defendant's counsel
5	Ex.P5	The original office copy of reply dated 12.01.2015

List of the Witnesses examined on the side of the Defendants: Nil

List of Exhibits marked on the side of the Defendants: Nil

22.10.2021

jv

4/5



WEB COPY



TOS No.8 of 2019

R.SUBRAMANIAN,J.

jv

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

T.O.S. No.8 of 2019

22.10.2021

5/5