



T.O.S.No.8 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

T.O.S.No.8 of 2016

and

A.Nos.1363 of 2017 and 3868 of 2021

Dr.N.Mahendra Varman

...Petitioner/ Plaintiff

.Vs.

J.Anusuya

...Caveator/ Defendant

PRAYER : Petition filed under Section 232 and 276 of the Indian Succession Act XXXIX of 1925 for the grant of Letters of Administration with the Will annexed. Against the petition a caveat was filed by the caveator, as per order of this Court dated 16.12.2015, the Original Petition No.461 of 2013 was converted into Testamentary Original Suit No.8 of 2016.

For Plaintiff : Mr.A.Vivekanandan

For Defendant : Mrs.V.S.Usharani

J U D G M E N T



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The sole defendant in the above Testamentary Original Suit, who had opposed the grant of Letters of Administration with the Will annexed for the Will of the deceased S.A.Jayavarman dated 12.06.2011 has filed a memo stating that she has no objection for grant of Letters of Administration in favour of the plaintiff.

2. Both the parties were present physically on 29.10.2021 and had agreed to the fact that they have settled the dispute and the money payable to the defendant as per the settlement has also been paid. Since the memo of compromise that was filed was not complete, I had required the counsel to file a fresh memo. Pursuant to the same, the counsel have filed a fresh memo, wherein, the defendant had expressed her no objection for grant of Letters of Administration.

3. It is seen from the records that one Mr.S.R.Nagaraj and Dr.R.Lakshminarayanan who are the attesting witnesses to the Will have been examined as PW1 and PW2. They have spoken out the execution of the Will by the Testator and its attestation by both the attesting witnesses.



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4. Since the defendant has expressed her no objection and the Will has been proved in the manner known to law, the Testamentary Original Suit stands decreed as prayed for. The Letters of Administration is granted in respect of the Will in favour of the plaintiff. The plaintiff shall execute a security bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras within a period of three (3) months as required under law. In view of the order made in the Testamentary Original Suit, the connected applications are closed. No costs.

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Index : No

Internet : Yes

Speaking order



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List of the witnesses examined on the side of the plaintiff:

PW1 - Mr.S.R.Nagaraj

PW2 - Dr.R.Lakshminarayanan

PW3 - Dr.N.Mahendra Varman

List of Exhibits marked on the side of the plaintiff :

<i>Exhibits</i>	<i>Description</i>	<i>Dated</i>
Ex.P1	The Will executed by the deceased S.A.Jayavarman	12.06.2011
Ex.P2	Computer generated death certificate of S.A.Jayavarman	09.11.2011
Ex.P3	Certified copy of the legal heirs certificate of plaintiff's mother	31.08.1976

List of the witnesses examined on the side of the defendant: Nil

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

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R.SUBRAMANIAN, J.

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