



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

FRIDAY, THE 30TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.513 of 2020

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of Last Will and
Testament of Lakshmi
Ramakrishnan -Deceased.

PATTAMMAL KANNAN
W/o.Kannan Swaminathan,
394/76, F3 1st Floor,
B Block, Unique Gem Mudichur Road,
West Tambaram, Chennai-600 045

..Petitioner

-Vs-

1. KANNAN SWAMINATHAN
S/o.Swaminathan,
394/76, F3 1st Floor,
B Block, Unique Gem Mudichur Road,
West Tambaram, Chennai-600 045

2. SIVAKAMI VAIDYANATHAN
W/o.K.Vaidyanathan,
A-267, 2nd Cross, Cambridge Layout,
Halasuru, Bangalore East, HAL II Stage,
Bangalore, Karnataka-560 008

3. GEETHA KRISHNAN
W/o.Krishnan, 6th Street,
Thiruvalluvar Nagar ,



Thirumullaivoyal, Chennai-600 062

4. P.S.LALITHA

W/o.Sivaramakrishnan Iyer,
TC 50/1287, Arasumoodu Thaliyal Road,
Karamana Iranimuttam,
Karamana, Thiruvananthapuram,
Kerala-695 002

5. SHYAM SANKAR

S/o.Sivaramakrishnan Iyer,
TC 50/1287, Arasumoodu Thaliyal Road,
Karamana Iranimuttam, Karamana,
Thiruvananthapuram,
Kerala-695 002

..Respondents

Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with the will annexed may be granted to her, being the wife of testator's brother as the beneficiary and legatee under the will of the said deceased having effect limited to the state of Tamil Nadu.

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 for grant of Letters of Administration in respect of the last Will and Testament of Mrs.Lakshmi Ramakrishnan dated 21.02.2020, 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



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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) Mrs.Lakshmi Ramakrishnan ordinarily resided at No.14, Sanjay Gandhi Nagar, 1st Street, Virugambakkam, Chennai-92 and she died on 01.04.2020, at the above mentioned residence. She is the older sister of the respondents 1 to 4 herein and sister-in-law of the petitioner herein. The deceased was married to one Mr.Ramakrishnan and they did not have any children from the wedlock. Her husband predeceased her on 27.06.2013. There is no class II legal heirs of the said Mr.Ramakrishnan. The deceased was the only legal heir of Mr.Ramakrishnan. After the death of her husband, the deceased was taken care of by the petitioner and her brothers and sisters, the respondents 1 to 4 herein. Therefore, they are the legal heirs of the deceased. The deceased Mrs.Lakshmi Ramakrishnan, at the time of her death, had left the properties, both movable and immovable in the State of Tamil Nadu within the jurisdiction of this Court.

(b) The deceased owned and possessed an immovable property in the

above mentioned address to an extent of 2450 Sq.ft, the value of which is



assessed at Rs.1,50,00,000/- and she also held accounts/fixed deposit in the Canara Bank to the tune of Rs.65,00,000/-.

(c) The last Will and Testament of the said deceased had been traced out at her residence in the address mentioned above, immediately after her death. Hence, this petition has been filed within the time of limitation.

(d) The said Will was duly executed at Chennai on 21.02.2020 in the presence of witnesses whose names appear at the foot thereof. The said Will is an unregistered Will.

(e) By the said Will, the deceased had not appointed any executor and the petitioner and the fifth respondent are the beneficiaries 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 are situated within the jurisdiction of this Court.

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



(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.2,15,00,000/- 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.2,14,00,000/-.

(h) The petitioner hereby undertakes to duly administer the properties and credits of the said deceased, in any way concerning her Will, by paying first her 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 one of the beneficiaries 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 and the fifth respondent absolutely. The respondents 1 to 5 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 herself as P.W.1, reiterated the averments made in the petition and filed Exs.P-1 to P-16. Ex.P1 is the original Sale Deed dated 03.09.1981 executed by Srimathi Kamatchi Ammal in favour of P.V.Ramakrishnan. Ex.P2 is the computer generated death certificate of P.V.Ramakrishnan, who died on 27.06.2013. Ex.P3 is the photocopy of the Legal Heirship Certificate dated 21.01.2014 in respect of P.V.Ramakrishnan. Ex.P4 is the photocopy of the Fixed Deposit receipt of Canara Bank bearing Account No.0926404001120/18 standing in the name of Mrs.Lakshmi Ramakrishnan and Mr.P.V.Ramakrishnan. Ex.P5 is the photocopy of the Fixed Deposit of Canara Bank bearing Account No.0926404001120/20 standing in the name of Mrs.Lakshmi Ramakrishnan and Mr.P.V.Ramakrishnan. Ex.P6 is the photocopy of the Indian Overseas



name of Ramakrishnan and Lakshmi Ramakrishnan. Ex.P7 is the original unregistered Will dated 21.02.2020 executed by Mrs.Lakshmi Ramakrishnan, which has been attested by two attesting witnesses namely 1.Mr.K.Sivanesan and 2.Mr.P.Venkatesan. Ex.P8 is the computer generated death certificate of Lakshmi Ramakrishnan, who died on 01.04.2020. Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.2,14,00,000/-. Ex.P10 is the consent affidavit given by the 1st respondent. Ex.P11 is the consent affidavit given by the 2nd respondent. Ex.P12 is the consent affidavit given by the 3rd respondent. Ex.P13 is the consent affidavit given by the 4th respondent. Ex.P14 is the consent affidavit given by the 5th respondent. Ex.P15 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 24.02.2021. Ex.P16 is a copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 03.03.2021.

5. One of the attestors of the Will dated 21.02.2020 was examined as P.W.2. In his evidence, P.W.2 has stated that he knew the Testator Mrs.Lakshmi Ramakrishnan for the past 15 years and he is aware of Ex.P-7 Will executed by the Testator; He and Mr.K.Sivanesan were present at the time when the Testator affixed her left thumb impression in the said Will;

The Testator was in a sound state of mind at the time of execution of Ex.P-7



Will; He has signed as the second attesting witness in Ex.P7 Will. He is aware of the death of the Testator and he filed his affidavit in this regard, which is marked as Ex.P17.

6. The another attesor of the Will dated 21.02.2020 was examined as P.W.3. In his evidence, P.W.3 has stated that he knew the Testator Mrs.Lakshmi Ramakrishnan for the past 20 years and he is aware of Ex.P-7 Will executed by the Testator; He and Mr.P.Venkatesan were present at the time when the Testator affixed her left thumb impression in the said Will; The Testator was in a sound state of mind at the time of execution of Ex.P-7 Will; He subscribed his signature as the first attesting witnesses to the said Will; He is aware of the death of the Testator and he filed his affidavit in this regard, which is marked as Ex.P18.

7. 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.

8. 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.
30.07.2021

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

SU/13.08.2021

COURT OFFICER(O.S.)

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