



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

TUESDAY, THE 31ST DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.671 of 2020

In the matter of XXXIX of
Indian Succession Act, 1925

and

In the matter of Last Will
and Codicils Testament of
deceased Mr.C.V.R.Panikar,
deceased

Mr.M.K.NARAYANAN
S/o Mr.C.B.Nair,
Flat No.13, Supriya Estate,
No.3, Sterling Road,
Nungambakkam, Chennai – 600034

..Petitioner

-Vs-

Mrs.PADMINI NARAYANAN
W/o Mr.M.K.Narayanan,
Flat No.13, Supriya Estate,
No.3, Sterling Road,
Nungambakkam, Chennai – 600034

..Respondent

Original Petition praying that this Hon'ble Court be pleased to prove
the Will an Codicils in common form, and that Probate thereof, to have
effect throughout the Union of India may be granted to him.



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 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 4 of O.S. Rules, for the grant of Probate in respect of the last Will and Testament of the deceased Mr. C.V.R. Panikar.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The case of the petitioner is as follows:

(a) Mr.C.V.R.Panikar ordinarily resided at No.E-162, Tiger Varadachari Road, Besant Nagar, Chennai – 600 090 and died on 21.01.2020. The petitioner stated that the deceased has executed a Will dated 10.07.2014 and two codicils dated 21.05.2015 and 27.06.2019, bequeathing all his movable and immovable properties in the name of the respondent in the presence of witnesses whose names appeared at the last page foot thereof and the petitioner was appointed as the sole executor by deceased Mr. C.V.R. Panikar.



(b) The deceased was an IAS Officer in Tamil Nadu Government Service and retired as the Chief Secretary, Government of Tamil Nadu in the year 1984. The deceased executed his last Will dated 10.07.2014 bequeathing the movable and immovable properties in the name of the respondent and also executed a codicil dated 21.05.2015 to the abovesaid Will bequeathing all deposits in equity shares and mutual funds in the name of the respondent. While he was alive Mr.C.V.R.Panikar had gifted the abovesaid immovable property in the name of the respondent under a Gift deed dated 10.04.2019 registered as document No.4284 of 2019 and also confirmed the same by another codicil dated 27.06.2019. There is no other next of kin or other person to be impleaded as parties in this petition.

(c) The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.41,91,135/- and the net amount of the said asset, after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.41,91,135/-. The petitioner impleaded all the next of kin or other persons as party/respondents and there is no other parties interested to be impleaded. No application has been made to any District Court or delegate or to any other High Court for probate or letters of administration with or without the Will annexed of her property



(d) The petitioner undertakes to duly administer the properties and credits of the deceased Mr.C.V.R.Panikar and in any way concerning the Will by paying first his debts 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 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 properties and credits within one year from the said date.

(e) Hence, the petitioner has filed the present Original Petition (O.P) for the relief stated supra.

4. The petitioner examined himself as P.W.1 and reiterated the averments made in the petition and filed Exs.P-1 to P31. Ex.P1 is the original unregistered Will dated 10.07.2014 executed by Mr.C.V.R.Panikar, which has been attested by two attesting witnesses namely 1. Mr.C.Ramachandran and Mr.S.P.Ambrose. Ex.P2 is the original Codicil dated 21.05.2015 executed by Mr.C.V.R.Panikar, which has been attested by two attesting witnesses namely Mr.C.Ramachandran and Mr.S.P.Ambrose. Ex.P3 is the original Codicil dated 27.06.2019 executed by Mr.C.V.R.Panikar, which has been attested by two attesting witnesses



computer generated death certificate of Mr.C.V.R.Panikar, who died on

12.01.2020. Ex.P5 is the photocopy of the share certificate bearing

registered folio No.20443 and certificate No.19651 issued by the Fertilisers

and Chemicals Travancore Limited (FACT) standing in the name of

Mr.C.V.R.Panikar. Ex.P6 is the photocopy of the share certificate bearing

registered folio No.004183 050198 and certificate No.004267 issued by

Saptarishi Agro Industries Limited standing in the name of

Mr.C.V.R.Panikar and Mrs.Padmini Narayanan. Ex.P7 (series 2 Nos) are

the photocopies of the share certificate of Garden Silk Mills Limited

standing in the name of Mr. Corteil Vijaya Ragava Panikar. Ex.P8 (series 2

Nos) are the photocopies of the share certificates of Beardsell Limited

standing in the name of C.V.R.Panikar. Ex.P9 is the photocopy of the share

certificate of Manali Petrochemical limited standing in the name of

Mr.C.V.R.Panikar. Ex.P10 (Series 3 Nos) are the photocopy of the share

certificates of Tamilnadu Petroproducts Limited standing in the name of

Mr.C.V.R.Panikar. Ex.P11 is the photocopy of the share certificate of JK

Lakshmi Cement Limited standing in the name of Mr.C.V.R.Panikar.

Ex.P12 (series 2 Nos) are the photocopies of the share certificates of

Watches Limited standing in the name of Mr.C.V.R.Panikar. Ex.P13 is the

photocopy of the share certificate of Sagar Cements Limited standing in the

name of Mr.C.V.Panikar. Ex.P14 (series 3 Nos) are the photocopies of the



share certificates of TVS Electronics Limited standing in the name of Mr.C.V.R.Panikar. Ex.P15 is the photocopy of the share certificate of Bengal & Assam Company Limited standing in the name of Mr.C.V.R.Panikar. Ex.P16 is the photocopy of the share certificate of Coromandel Fertilisers Limited standing in the name of Mr.C.V.R.Panikar. Ex.P17 (series 2 Nos) are the photocopies of the share certificates of Coromandel International Limited standing in the name of Mr.C.V.R.Panikar. Ex.P18 is the photocopy of the letter dated 31.07.2020 sent by TSR Darashaw Consultants Private Limited regarding the share certificate of Voltas Limited. Ex.P19 is the photocopy of the share certificate of Titan Company Limited standing in the name of Mr.C.V.R.Panikar. Ex.P20 is the photocopy of the share certificate of Miot Hospitals Limited standing in the name of Mr.C.V.R.Panikar. Ex.P21 (series 3 Nos) are the photocopies of the Roots Industries Private Limited standing in the name of Mr.C.V.R.Panikar and Mr.Vijay Narayanan. Ex.P22 (series 2 Nos) are the photocopies of the share certificates of Surat Textile Mills Limited standing in the name of Mr.C.V.R.Panikar. Ex.P23 is the photocopy of the share certificate of Ashim Investment Company Limited standing in the name of Mr.C.V.R.Panikar. Ex.P24 (series 2 Nos) are the photocopies of the share certificates of The Madras Safe Deposit Company Limited standing in the name of Mr.C.V.R.Panikar.



Ex.P25 is the photocopy of the share certificate of Kothari Safe Deposits Limited standing in the name of Mr.C.V.R.Panikar. Ex.P26 is the (series 4 Nos) are the photocopies of the share certificates Garden Cottons & Yarns Limited standing in the name of Mr.C.V.R.Panikar. Ex.P27 (series 6 Nos) are the photocopies of the share certificates of Garden Silk Mills Limited standing in the name of Mr.C.V.R.Panikar. Ex.P28 (series 9 Nos) are the photocopies of the share certificates of Stra Products Limited standing in the name of Mr.C.V.R.Panikar. Ex.P29 is the photocopy of the front page of the bank passbook bearing account No.10031023788 issued by State Bank of India standing in the name of Mr.C.V.R.Panikar. Ex.P30 is the affidavit of assets showing the net value of the estate as Rs.41,66,135/-. Ex.P31 is the consent affidavit given by the respondent.

5. One of the attestors of the Codicil dated 27.06.2019 viz., Mr.R.Rajagopalan was examined as P.W.2. In his evidence, he has stated that he knew Mr.C.V.R.Panikar. During the life time of Mr.C.V.R.Panikar, he has executed two Codicils. He has signed as an attesting witness to the Codicil dated 27.06.2019. In his presence, the Testator has signed Ex.P3 Codicil. Ex.P3 Codicil was executed in the residence of the Testator at Tiger Varadhachari Road. The other attesting witness is

Mr.D.Balamurugan. At the time of execution of the Codicil (Ex.P3), the



Testator was in sound and state of mind and in good health. He filed his affidavit in this regard and marked the same as Ex.P32.

6. The second attesting witness of the Codicil dated 27.06.2019 viz., Mr.D.Balamurugan was examined as P.W.3. In his evidence, he has stated that he knew Mr.C.V.R.Panikar. During the life time of Mr.C.V.R.Panikar, he has executed a Will and two Codicils. He has signed as the second attesting witness to the Codicil dated 27.06.2019. Ex.P3 Codicil was executed at Tiger Varadhachari Road, Chennai. Mr.Rajagopalan has signed as the first attesting witness to the said Codicil. He filed his affidavit in this regard and marked the same as Ex.P33.

7. In this case, an Advocate Commissioner was appointed by this Court vide order dated 04.08.2021, passed in Application No.2607 of 2021, to record the evidence of the witnesses to the Will and Codicils. The proof affidavits of the attesting witnesses Mr.S.P.Ambrose and Mr.C.Ramachandran have been marked as Exs.P34 and P35.

8. Taking into consideration, the evidence of P.W.2 & P.W.3 and also the proof affidavits of the attesting witnesses, namely, Mr.S.P.Ambrose and Mr.C.Ramachandran and also taking into account, Ex.P1 to Ex.P35, it is



clear that the petitioner has proved the execution, and also attestation of the Will and two codicils in common form and there are no other materials to suspect the Will and codicils. The respondent has also filed her consent affidavit.

9. 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 probate in his favour.

10. Accordingly, the Original Petition is ordered as prayed for. Registry is directed to grant probate of the Will dated 10.07.2014 and two codicils dated 21.05.2015 and 27.06.2019, in respect of the petitioner.

Sd/.V.P.N.J.
31.08.2021

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

SU/14.09.2021 COURT OFFICER(O.S.)

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