

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

THURSDAY, THE 25TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P. No.1081 of 2019

In the matter of the Indian
Succession Act, 1925

and

In the matter of the Last Will and
Testament of Late K.Vedantam
-Deceased

MRS.ANANDA VEDANTAM
W/O.LATE MR.K.VEDANTAM,
24, JAYARAMAN STREET,
PALAVANTHANGAL,
CHENNAI-600 114

..PETITIONERS

-VS-

1. MR.V.VASUDEVAN
S/O.LATE K.VEDANTAM,
26, JAYARAMAN STREET,
PALAVANTHANGAL,
CHENNAI-600 114

2. MR.V.JAGANNATHAN
S/O.K.VEDANTAM,
G-3, NEW DOOR NO.7,
PLOT NO.5, BARODA STREET 2ND LANE,
WEST MAMBALAM,
CHENNAI-600 033

3. MR.K.V.RAGHAVAN
S/O.K.VEDANTAM,
NO.1, 8TH STREET,

BALAJI NAGAR, NANGANALLUR,
CHENNAI-600 061

4. MRS.S.MYTHILI
W/O.MR.SADAGOPAN,
301, ANMOL CO-OPERATIVE HOUSING SOCIETY,
NEAR DATA MANDIR,
CHIKENGARH KALYAN WEST,
THANE DISTRICT,
MAHARASHTRA STATE-421 308

5. MR.V.SAMPATH
S/O.LATE K.VEDANTAM, 24,
JAYARAMAN STREET,
PALAVANTHANGAL,
CHENNAI-600 114

6. MRS.V.THARA
W/O.T.N.MUKUNDAN,
FLAT NO.103, BUILDING NO.69,
WHISPERING WINDS,
6TH MAIN ROAD,
M.S.RAMIAH CITY 8TH PHASE,
J.P.NAGAR,
BENGALURU, 560 076

7. MRS.S.VASUMATHI
W/O.LATE V.SRINIVASAN,
G-4, NEW DOOR NO.7,
PLOT NO.5, BARODA STREET 2ND LANE,
WEST MAMBALAM,
CHENNAI-600 033

8. MISS V.S.PREETHI
D/O.LATE V.SRINIVASAN,
G-4, NEW DOOR NO.7, PLOT NO.5,
BARODA STREET 2ND LANE,
WEST MAMBALAM,
CHENNAI-600 033

9. MRS.N.VIDYALAKSHMI
W/O.LATE MR.V.MADHAVAN,

37, 4TH, 29TH MAIN,
B.T.M. 2ND STAGE,
BENGALURU-560 076

10. MISS M.SANJANA
D/O.LATE V.MADHAVAN,
37, 4TH CROSS, 29TH MAIN,
B.T.M.2ND STAGE,
BENGALURU-560 076

..Respondents

Original Petition praying that this Hon'ble Court be pleased that letters of administration of the property of the credits of the deceased with the Will annexed to have effect through-out the State of Tamilnadu, may be granted to the petitioner as wife/beneficiary under the will of deceased.

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 K.Vedantam.

WEB COPY

2. This petition has been filed for grant of Letters Administration in respect of the Will of one K.Vedantam executed on 23.12.2009 in favour of the petitioner. The petitioner is the wife of the deceased and respondents

1 to 4 are the sons of the deceased, similarly, respondents 5 and 6 are the daughters of the deceased. The seventh and eighth respondents are the wife

and daughter of Late V.Srinivasan respectively who is the son of the deceased and ninth and tenth respondents are the wife and daughter of late V.Madhavan respectively who is the son of the deceased. The said K.Vedantam died on 24.11.2011. The parents of the deceased predeceased him. The petitioner and the respondents 1 to 6, Late V.Srinivasan and Late V.Madhavan are the only legal heirs of the deceased. The said V.Srinivasan died intestate on 19.02.2019, leaving behind him the respondents 7 and 8 as his only legal heirs and also the said V.Madhavan was died intestate on 13.07.2018 leaving behind the respondents 9 and 10 as his only legal heirs.

3. The testator bequeathed his Flats at Baroda Street West Mambalam and House properties at Palavanthangal more fully described in Schedules of the Will to the petitioner herein during her life and vested the reminder to the respondents 2 to 4, the said V.Srinivasan and V.Madhavan and the respondents 7 to 10 have inherited from the said heirs respectively. All other movable and immovable assets have been settled. There is no one available to be impleaded in this petition. The amount of assets which is likely to come to the petitioner hands does not exceed in the aggregate sum of Rs.2,20,00,000/- 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

administer the specified property and credits of the deceased in any way concerning his 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.

4. The petitioner has examined herself as P.W.1 and the attesting witness D.Kannan has been examined as P.W.2 and Ex.P.1 to P.18 have been marked.

5. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in her favour in respect of the Last Will and Testament executed by the deceased K.Vedantam executed on 23.12.2009. Ex P1 is the original last Will and Testament executed by her husband K Vedantam on 23.12.2009, registered as Doc.No.210 of 2009 at SRO, Alandur. Ex P2 is the photocopy of the death certificate of her husband K. Vedantam. who died on 24.11.2011. Ex.P3 is the original Legal Heirship certificate dated 18.04.2013 in respect of her husband K Vedantam. Ex.P4 is the computer

generated death certificate of V.Srinivasan, who died on 19.02.2019. Ex.P5 is the computer generated Legal Heirship certificate dated 05.05.2019 in respect of V Srinivasan. Ex.P6 is the computer generated Legal Heirship certificate in respect of Madhavan Vedantam dated 29.08.2018. Ex.P7 is the consent affidavit given by the 1st respondent stating that he has no objection in grant of Letters of Administration as prayed in the petition. Ex.P8 is the consent affidavit given by the 2nd respondent stating that he has no objection in grant of Letters of Administration as prayed in the petition. Ex.P9 to Ex.P15 are the consent affidavits given by R3 to R9 respectively stating that they are also not having any objection in grant of Letters of Administration as prayed in the petition. Ex.P16 is the affidavit of assets showing the net value of the estate as Rs.2.20,00,000/-. ExP17 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 29.10.2020. ExP18 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 12.01.2021.

WEB COPY

6. One D.Kannan, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he knew the Testator Mr.K.Vedantam as he was residing in the same locality where he reside. As such he was well acquainted with the Testator Mr.K.Vedantam.

According to him, the Testator Mr.K.Vedantam executed his Last Will and

Testament on 23.12.2009 (Ex.P1) in his presence and in the presence of Mr.D.Sundara Raghavan. At his request, he subscribed his signature as the first attesting witness along with Mr.D.Sundara Raghavan, who attested the Will (Ex.P1) as the second attesting witness in the presence of the Testator. They both saw the Testator signing in all the pages of the Will (Ex.P1), further, all of them signed in each other's presence. Further evidence of P.W.2 is that the Testator was in a sound, disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will, and after executing the said Will, the same was registered as Doc.No.210 of 2009 as SRO, Alandur. He has filed his affidavit in this regard. Ex.P19 is his affidavit.

7. 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.

8. 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.
25.02.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/18.03.2021.

COURT OFFICER(O.S.)

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



WEB COPY