

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

FRIDAY, THE 29TH DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.NO.965 of 2019

In the matter of the Indian
Succession Act XXXIX of 1925
and
In the matter of the Last Will and
Testament of Mrs.M.S.Rajalakshmi
– Deceased.

1. Mr.B.SUNDARARAMAN
S/o.V.B.Bhargavan,
Residing at
7441 Colchester Ln.
West Bloomfield,
Michigan 48322, USA

2. Mr.B.BHASKAR
S/o.V.B.Bhargavan,
Residing at
No.11/21,
I Cross Street, Trustpuram,
Kodambakkam, Chennai-600024.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased that
Letter of Administration with the Will annexed may be granted to them as
they are the sons/legatee under the Will of the deceased having effect
limited to the State of Tamilnadu.

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 Mrs.M.S. Rajalakshmi.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Mrs.M.S. Rajalakshmi executed on 06.06.1992 in favour of the petitioners. The petitioners are the sons of the deceased. The said Mrs.M.S. Rajalakshmi died on 12.02.2019. The parents of the deceased and the husband of the deceased predeceased her. The petitioners are the beneficiaries under the Will of the deceased. There is no one available to be impleaded in this petition. The amount of assets which is likely to come to the petitioners hands does not exceed in the aggregate sum of Rs.8,07,14,100/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.8,07,14,100/-. The petitioners hereby undertakes to duly administer the specified property and credits of the deceased in any

way concerning her 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.

3. The Second Petitioner was examined as P.W.1 and one Mr.T.N.Shankar was examined as P.W.2 and Ex.P.1 to P.10 have been marked.

4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in their favour in respect of the Last Will and Testament executed by the deceased Mrs.M.S.Rajalakshmi executed on 06.06.1992. Ex.P.2 is the Original Will dated 06.06.1992. Computer generated death certificate of the deceased Mrs.M.S.Rajalakshmi Ex.P.3 has been filed to prove the death of Mrs.M.S.Rajalakshmi, who died on 12.02.2019. Ex.P.2 is the original Will executed by the deceased Mrs.M.S.Rajalakshmi. Ex.P.2 shows that the deceased Mrs.M.S.Rajalakshmi executed the Will on 06.06.1992. Ex.P.4 is the legal

heir certificate of the deceased. Ex.P.6 is the computer generated death certificate of Mr.Bhargavan husband of the deceased and father of the petitioners. Ex.P.7 is the affidavit of assets showing the net value of the estate as Rs.8,07,14,100/- and death certificate of the husband of the deceased. Ex.P.8 and Ex.P.9 series are paper publications and none objected for the same.

5. One Mr.T.N.Shankar, was examined as P.W.2. In his evidence, he has stated that he identified the signature found at the foot of the first page and also at the middle of the second page of the Will (Ex.P.2) as that of Mrs.M.S. Rajalakshmi.

6. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are also directed to execute a

in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioners are further directed to render true and correct accounts once in a year.

Sd/.R.P.A.J.
29.01.2021

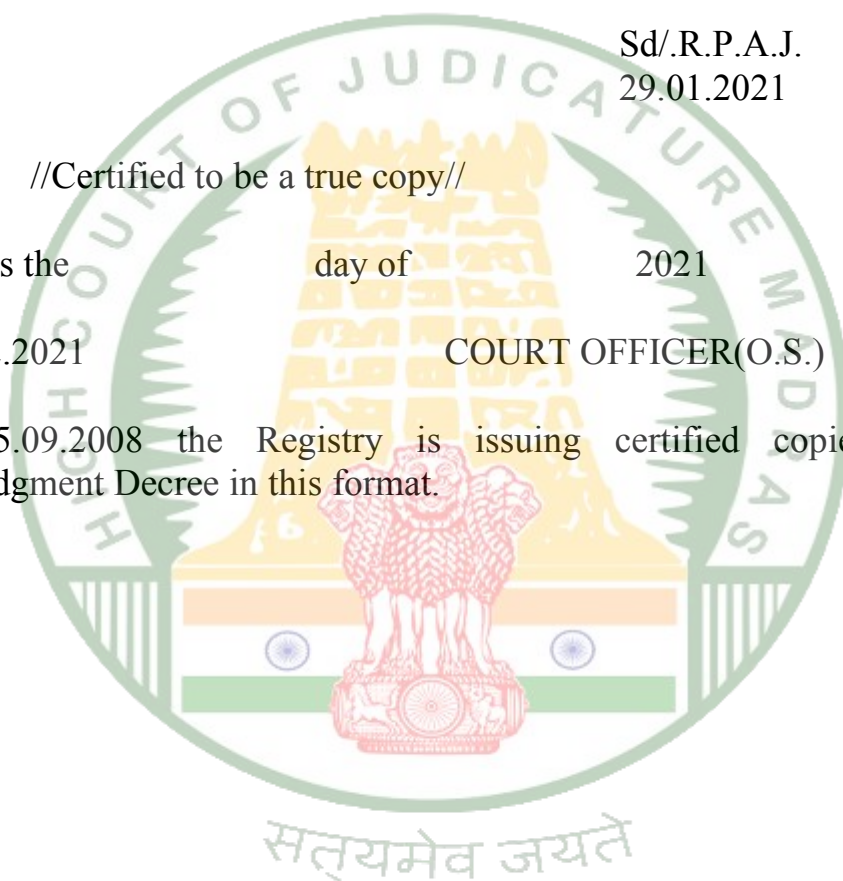
//Certified to be a true copy//

Dated this the day of 2021

SU.09.02.2021

COURT OFFICER(O.S.)

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



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