

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

TUESDAY, THE 16TH DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.1059 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.K.Radhabai -
Deceased

1. M.R.THULASI RAMAN * **(DECEASED)**
S/o.R.Renuga,
Bharatheeswarar Koil Street,
Sivan Koil Street, Kodambakkam,
Chennai-600 024

* **2. T.KANMANI**
W/o.Late M.R.Thulasi Raman

* **3. T.SAI SANDHYA**
D/o.Late M.R.Thulasi Raman

* **4. T.K.SHAIDHARSHAN (MINOR)**
S/o.Late M.R.Thulasi Raman,
Rep by Mother and guardian T.Kanmani,

* **Petitioners 2 to 4 are residing at**
Bharatheeswarar Koil Street,
Sivan Koil Street, Kodambakkam,
Chennai-600 024

* **(Petitioners 2 to 4 impleaded as LR's of**
deceased 1st Petitioner and amended

as per order dated 3/2/2021 in A.No.259/2021)

..Petitioners

-Vs-

1. R.RENUGA

D/o.Late K.Radha Bai,
New No.60, Bharadeeswarar Colony,
2nd Street, Kodambakka,
Chennai-600 024

2. B.THANGAMANI

D/o.Late K.Radha Bai,
No.13/1, Varadan Nagar (Sakthi Nagar),
Jamin Royapettai,
Chromepet,
Chennai-600 044

3. M.BOOSHANAM

D/o.Late K.Radha Bai,
No.27, Kalivanar Street,
LIG 82, NH1, Maraimalai Nagar,
Kanchipuram District-603 209

4. K.MAHESHWARI

W/o.K.Gopal,
A-57, Anna Nagar,
9th Cross Street,
Chengalpattu,
Tamilnadu-603 001

5. K.SENTHILNATHAN

S/o.K.Gopal,
A-57, Anna Nagar,
9th Cross Street,
Chengalpattu,
Tamilnadu-603 001

6. K.SANTOSH KANNAN

S/o.K.Gopal,
A-57, Anna Nagar,

9th Cross Street,
Chengalpattu,
Tamilnadu-603 001

7. K.SASINTHIRAN
S/o.K.Gopal,
A-57, Anna Nagar,
9th Cross Street,
Chengalpattu,
Tamilnadu-603 001

..Respondents

Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with the Will may be granted infavour of the petitioner, as grandson/beneficiary under the Will, to have effect throughout the State of Tamil Nadu.

The 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.K. Radhabai.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Mrs.K. Radhabai executed on 11.05.1987 in favour of his grand son namely Mr.M.R. Thulasiraman, 1st Petitioner.

During the pendency of the case, the 1st Petitioner died and hence the legal

heirs of the 1st Petitioner viz., Mrs.T.Kanmani, wife, Ms.T.Sai Sandhya, daughter and Minor son T.S.Shaidharshan represented by Mother and Natural Guardian Mrs.T. Kanmani were impleaded as Petitioners 2 to 4. The deceased Mrs.K. Radhabai died on 23.11.1998. The deceased Mrs.K. Radhabai died leaving behind her 3 daughters namely, 1. R.Renuka 2.B. Thangamani and 3. M.Booshanam and legal heirs of her deceased son K. Gopal namely 4. K. Maheswari (wife) 5.K.Senthil Nathan (son) 6.Santhosh Kannan (son) and 7.Sasinthiran (son) as her surviving legal heirs, who are Respondents 1 to 7 herein. The parents of the Testator Mrs.K. Radhabai predeceased her. The deceased was ordinarily resided at Chenglepet and possessed property in the State of Tamil Nadu and within the jurisdiction of this Court. The Respondents 1 to 7 have no objection to grant Letters of Administration in favour of the Petitioners and they have filed consent affidavits in this regard.

3. As the beneficiary of the Will the 1st Petitioner died during the pendency of the case, his legal heirs are entitled to get the property as per the Will executed by the Mrs.K. Radha Bai in favour of the 1st Petitioner/deceased father. The Testator did not appoint any executor under his Will. The writing annexed and marked 'A' is the last Will and

11.05.1987 in the presence of the witnesses Mrs.B.Thangamani and Mrs.M.Booshanam.

4. Except the Petitioners and Respondent no one available to be impleaded in this petition. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.47,00,000/- 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 value of Rs.47,00,000/- . 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.

5. The 2nd Petitioner wife of the deceased/1st Petitioner was examined as P.W.1, and Ex.P.1 to Ex.P.15 were marked through him. The attesting witness Ms.B. Thangamani has also been examined as P.W.2 and Ex.P.16 has been marked through the witnesses.

6. P.W.1 in his evidence had narrated the averments made in the petition stating that the 1st petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Mrs.K.Radha Bai executed on 11.05.1987. The said Will is marked as Ex.P.1. Ex.P.2 is the Original death certificate of Mrs.K.Radha Bai, who died on 23.11.1998. Ex.P.3 is the photocopy of the Legal Heir ship Certificate dated 28.02.2014 in respect of Mrs.K.Radha Bai. Ex.P4 is the computer generated death certificate of 1st Petitioner Mr.K.Gopal (son of the deceased) who died on 11.01.2019. Ex.P5 is the computer generated death certificate of 2nd Petitioner husband Mr.M.R. Thulasiraman. Ex.P.6 is the computer generated Legal Heirship certificate dated 07.12.2020 in respect of 2nd Petitioner's husband Mr.M.R.Thulasiraman. Ex.P.7 to Ex.P14 are the consent affidavits of the Respondents 1 to 7 . Ex.P.15 series are the copies of paper publications effected and none objected for the same.

7. P.W.2 Ms.B. Thangamani Daughter of deceased K.Radha Bai, is one of the attesting witnesses in the Will. In his evidence, she has stated that the testatrix has executed her last Will and Testament on 11.05.1987 in his presence and in the presence of Ms.Booshanam. She subscribed her

signature as the first attesting witness along with Ms.B.ooshanam, who attested the will as the second attesting witness in the presence of the Testatrix. She has also stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testator signing the Will. He further stated that the testator has seen the attesting witnesses subscribing their signatures in the Will. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other material to suspect the Will. P.W.2 has filed an affidavit in this regard which was marked as Ex.P.16.

8. 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 2 to 4 are entitled for the issuance of Letters of Administration in their favour.

9. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners 2 to 4. The petitioners 2 to 4 are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners 2 to 4 also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five

Madras. The petitioners 2 to 4 are further directed to render true and correct accounts once in a year.

Sd/.R.P.A.J.
16.03.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU.17.04.2021

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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