



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

MONDAY, THE 25TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.1050 of 2018

In the matter of Indian Succession
Act XXXIX of 1925

And

In the matter of Last Will and
Testament of P.Venkatakrishna
Reddy (deceased)

P.SUBRAMANIAM
S/o.P.Boologa Reddy,
Old No.17/A,
New No.30, 2nd Cross Street,
Kasthuribai Nagar, Adayar,
Chennai-600020.

..Petitioner

-Vs-

1. SMT.V.USHA
W/o.Late P.Venkatakrishna Reddy,
New No.22, 2nd Cross Street,
Kasthuribai Nagar,
Adayar, Chennai-600020.

2. MR.P.V.RAMACHANDRAN
S/o.Late P.Venkatakrishna Reddy,
New No.22, 2nd Cross street,
Kasthuribai Nagar, Adayar,
Chennai-600020.

3. MRS.P.V.LAKSHMI
D/o.Late P.Venkatakrishna Reddy,
New No.22, 2nd Cross street,
Kasthuribai Nagar, Adayar,
Chennai-600020.

**4. P.BOOLOGA REDDY *(SINCE DECEASED)**

S/o.Late Krishna Reddy,
Old No.17/A, New No.30,
2nd Cross Street, Kasthuribai Nagar,
Adayar, Chennai-600020.

*** 5. S.BHUVANESWARI (f) 55 years,
W/o.S.C.Sriramulu,
D/o.Late P.Boologu Reddy,
No.43/51, Ellaiamman Koil Street,
Vannanthurai, Chennai-600 020
(5th respondent is brought-on record
as LR of 4th Respondent
as per order dt 28/02/2020 in
Application No.910/2020**

..Respondents

Original Petition praying that this Hon'ble Court be pleased to grant Letters of Administration with the Will annexed of the properties and credits of deceased to the petitioner as one of the brother /one of the legatee/ beneficiary named under the Will by 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 Mr.P.Venkatakrisna Reddy dated 25.09.2005, 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 Assets.

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) Mr.P.Venkatakrisna Reddy ordinarily resided at No.22, 2nd Cross Street, Kasthuribai Nagar, Adyar, Chennai-600 020 and died on 31.08.2006. The petitioner is the brother of the deceased and the respondents are the other family members of the deceased. Therefore, they are the legal heirs of the deceased. The deceased Mr.P.Venkatakrisna Reddy, at the time of his death, had left the immovable property in the State of Tamil Nadu within the jurisdiction of this Court.

(b) The petitioner states that there is some delay in filing the above petition, since the Will has been found recently during the diligent search has been made by the petitioner's father while shifting the residence from



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(c) The said Will was duly executed at Chennai on 25.09.2005 in the presence of witnesses whose names appear at the foot thereof. The said Will is an unregistered Will.

(d) By the said Will, the deceased had not appointed any executor and the petitioner is the beneficiary under the said Will. The present petition is concerned only with respect to the property described in the Affidavit of Assets, left by the deceased and the same is situated within the jurisdiction of this Court.

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

(f) The amount of assets which is likely to come into the hands of the petitioner, does not exceed in aggregate the sum of Rs.50,00,000/- 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.50,00,000/-.

(g) The petitioner hereby undertakes to duly administer the properties and credits of the said deceased, in any way concerning his Will, by paying first his 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.

(h) The petitioner is the beneficiary 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. The respondents 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.

(i) 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 himself as P.W.1, reiterated the averments made in the petition and filed Exs.P-1 to P-12. Ex.P1 is the photocopy of the death certificate of the deceased P.Venkata Krishna Reddy, who died on 31.08.2006. Ex.P2 is the original Will executed by the deceased P.Venkatakrishna Reddy on 25.09.2005. Ex.P3 is the certified copy of the Sale Deed dated 01.07.1987 in favour of P.Venkatakrishna Reddy, registered as Doc.No.1754 of 1987 at SRO, Adyar. Ex.P4 is the photocopy of the Legal Heirship certificate dated 10.10.2006 in respect of the deceased P.Venkatakrishna Reddy. Ex.P5 is the Photocopy of the death certificate of Kamalammal, who died on 03.09.2012. Ex.P6 is the photocopy of the Legal Heirship certificate dated 18.06.2014 in respect of Kamalammal. Ex.P7 is the photocopy of the Property Tax Demand Card along with downloaded receipt dated 19.03.2018. Ex.P8 is the computer generated death certificate of K.Poologam, who died on 08.03.2019. Ex.P9 is the computer generated Legal Heirship certificate dated 12.10.2019 in respect of K.Poologam. Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.50,00,000/-. Ex.P11 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 26.02.2021. Ex.P12 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 05.03.2021.



5. The third respondent herein was examined as R.W.1 and she filed exhibits R1 to R3. Ex.R1 is the consent affidavit given by the 1st respondent herein stating that she has no objection in grant of letters of administration as prayed in the petition. Ex.R2 is the consent affidavit given by the 2nd respondent herein stating that he has no objection in grant of letters of administration as prayed in the petition. Ex.P3 is her consent affidavit stating that she has no objection in grant of letters of administration as prayed in the petition.

6. One of the attestors of the Will dated 25.09.2005 was examined as P.W.2. In his evidence, P.W.2 has stated that he knew the Testator Mr.P.Venkatakrishna Reddy as he was his neighbour. As such he was well acquainted with him and his family. He executed his last Will and Testament on 25.09.2005, Ex.P2 in his presence and in the presence of Mr.S.Sekar. At his request, he subscribed his signature as the second attesting witness along with Mr.S.Sekar, who attested the Will Ex.P2 as the first attesting witness in the presence of Mr.P.Venkatakrishna Reddy. He saw Mr.P.Venkatakrishna Reddy signing in all the pages of the Will Ex.P2. All of them signed in each other's presence. He was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P2 Will. He filed his affidavit as Ex.P13, in this regard.



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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.
25.10.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/22.11.2021

COURT OFFICER(O.S.)

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