

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

MONDAY, THE 03RD DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.454 of 2021

In the matter of the
Indian Succession Act
XXXIX of 1925
and
In the matter of the Last Will
and Testament of
Late.J.Narayanan-deceased

1. MRS.PATTAMMAL NARAYANAN
W/o.Mr.J.Narayanan,
“Rajam”, # 395, Bannimantap, C Layout,
3rd Main Road, Mysuru-570 015

..Petitioner

-Vs-

1. MRS.NISHA NARAYANAN
D/o.Mr.J.Narayanan,
“Rajam”, # 395,
Bannimantap, C Layout,
3rd Main Road, Mysuru-570 015

2.MRS.ANANDHI SRIRAM
W/o.Mr.R.Sriram,
No.72, Gangai Amman Koil Street,
Radhakrishnan Nagar, Thiruvannamipur,
Chennai, Tamilnadu-600 041

..Respondents

Original Petition praying that this Hon'ble Court be pleased that the letters of administration with the Will annexed may be granted to the petitioner as one of the legatees under the Will of the deceased having effect Limited to the Union of India.

This Original Petition coming on this day before this court for hearing the court made the following order:

This Petition has been filed for grant of Letters of Administration with a Will annexed.

2. The petitioner is the wife of the deceased Testator, J. Narayanan, who died on 15.02.2017 leaving behind an unregistered Will dated 27.07.2007, in which, the petitioner is the beneficiary. The respondents are the daughters of the deceased Testator J.Narayanan. The petitioner and the respondents are his only legal heirs. There are two attesting witnesses to the subject Will dated 27.07.2007 and they are Mr.Jagadeesan and Mr.M.N.Eswaran.

3. Before the Learned Master, the petitioner, Mrs.Pattammal Narayanan was examined as a witness (P.W.1). In her deposition, she has reiterated the contents of the petition filed in support of O.P.No.454 of 2021. Through P.W.1, the following documents were marked as Exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Original unregistered Will dated 27.07.2007 executed by J.Narayanan, which has been attested by two attestors.
Ex.P-2	Computer generated death certificate of J.Narayanan, who died on 15.02.2017.
Ex.P-3	Computer generated Legal Heirship certificate dated 10.08.2017 in respect of J.Narayanan along with English transaction.
Ex.P-4	Consent affidavit given by the second respondent.
Ex.P-5	Affidavit of assets showing the net value of the estate as Rs.1,95,00,000/-.
Ex.P-6	Series 2 Nos are the copies of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 12.10.2021 and one issue of English daily “Trinity Mirror” dated 20.10.2021.

4. Through P.W.2, the following document is marked:-

Ex.P-7	Affidavit of P.W.2 Jagadeesan
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5. One of the attesting witnesses to the subject Will by name Mr.Jagadeesan was examined as a witness (P.W.2). In his deposition, he has deposed that the Testator J.Narayanan was his colleague and he knows him very well. He has also deposed that only in his presence and in the presence

of the other attesting witness Mr.M.N.Eswaran, the subject Will dated 27.07.2007 was executed by the Testator Mr. J.Narayanan. He has also deposed that only at the request of the Testator, he subscribed his signature as the first attesting witness along with Mr.M.N.Eswaran who attested the subject Will as the second attesting witness in the presence of J.Narayanan. He has also deposed that he saw J.Narayanan signing the subject Will. He has also deposed that only in sound and disposing state of mind, memory and understanding, the subject Will was executed by J.Narayanan. In support of his deposition, he has also filed an affidavit, which has been marked as Ex.P7.

6. As seen from the evidence available on record, it is clear that J.Narayanan had executed an unregistered Will dated 27.07.2007 (Ex.P1), in which, the petitioner, who is the wife of the Testator, J.Narayanan, is the beneficiary. The petitioner and the respondents, who are the children of the deceased Testator J.Narayanan, are his only legal heirs, as seen from the Legal Heirship certificate dated 10.08.2017 of Mr. J.Narayanan, which has been marked as Ex.P3.

7. Notice was sent to both the respondents in this Original Petition No.454 of 2021. The second respondent has filed a consent affidavit before

this Court, which has been marked as Ex.P4, stating her no objection for granting Letters of Administration in favour of the petitioner. However, the first respondent though having received notice in this O.P.No.454 of 2021, has till date not stated any objection for grant of Letters of administration in favour of the petitioner. Therefore, it is deemed that the first respondent has also got no objection for grant of Letters of Administration in favour of the petitioner.

8. The original unregistered Will dated 27.07.2007 (Ex.P.1) executed by the Testator, J.Narayanan, in which the petitioner, who is the wife of the Testator, is the beneficiary. The death certificate of J.Narayanan has been marked as Ex.P2, which confirms that he died on 15.02.2017. The Legal Heirship certificate has also been marked as Ex.P3, which confirms that the petitioner and the respondents are his only legal heirs. Paper publication has also been effected in one issue of Tamil daily “Makkal Kural” dated 12.10.2021 and one issue of English daily “Trinity Mirror” dated 20.10.2021, which have been marked as Ex.P6.

9. As seen from the evidence available on record, it is clear that the Will dated 27.07.2007, which has been marked as Ex.P1, has been validly executed by the Testator, J.Narayanan, under which, the petitioner is the

beneficiary. Therefore, the Will dated 27.07.2007 executed by the Testator J.Narayanan has been proved. Accordingly, Letters of administration is granted in favour of the petitioner as prayed for.

10.Accordingly, this petition is allowed. Issue Letters of Administration of the Will dated 27.07.2007 (Ex.P.1) 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/.A.Q.J
03.01.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./11.01.2022

COURT OFFICER(O.S.)

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