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

MONDAY, THE 24TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.520 of 2021

In the matter of Indian
Succession Act XXXIX of
1925

and

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

1. P.KUMARAN
S/o.Late P.Pandian

2. P.SIVABALAN
S/o.Late P.Pandian,
Both are residing at
No.43/11, East Coast Road,
Thiruvanmiyur, Chennai - 600 041.

..Petitioner

-Vs-

1. P.RAJARATHINA
W/o.Late P.Pandian,
Raja Illam, 1st Floor, No.43/11, East Coast Road,
Thiruvanmiyur, Chennai- 600 041.

2. J.SHAKILA
W/o.A.Jayshankar,
Raja Illam, 2nd Floor, No.43/11, East Coast Road,
Thiruvanmiyur, Chennai - 600 041.

3. G.SHEELA
W/o.V.Gopinath,
Raja Illam, 1st Floor, No.43/11,



East Coast Road, Thiruvananthapuram,
Chennai - 600 041.

...Respondents

Original Petition praying that this Honble Court be pleased that Letters of Administration with Will annexed may be granted to the petitioners as the sons, Legatee and beneficiary under the Will of the said deceased to have effect throughout 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 for grant of letters of administration with Will annexed.

2. The petitioners are the sons of the testator P.Pandian who died on 12.05.2016 leaving behind a Will dated 27.09.2015 under which, the petitioners are the beneficiaries. The first respondent is the wife of the testator P.Pandian and the respondents 2 & 3 are his daughters. There are two attesting witnesses to the subject Will dated 27.09.2015 and they are S.Balasekar and H.Rajesh Kannan.

3. Before the learned Master, the first petitioner was examined as a witness (PW1). He deposed on behalf of the second petitioner also. In his



deposition, PW1 has reiterated the contents of the petition filed in support of O.P.No.520 of 2021. Through PW1, the following documents were marked as exhibits:

<i>Exhibits</i>	<i>Nature of Documents</i>
P1	Computer generated death certificate of P.Pandian who died on 12.05.2016
P2	Original Will dated 27.09.2015 executed by P.Pandian
P3	Original legal heirship certificate dated 18.08.2016 in respect of the deceased P.Pandian
P4	Consent affidavit given by the first respondent
P5	Consent affidavit given by the second respondent
P6	Consent affidavit given by the third respondent
P7	Affidavit of assets showing the net value of the estate as Rs.2,78,86,360/-
P8	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 27.11.2021.
P9	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 05.12.2021.

4. All the respondents have filed their separate consent affidavits before the learned Master which have been marked as Ex.P4, Ex.P5 & Ex.P6 respectively. The second attesting witness, H.Rajesh Kannan was examined as a witness (PW2). In his deposition, he has deposed that only in his presence and in the presence of the first attesting witness, S.Balasekar and the testator P.Pandian signed and executed the Will dated 27.09.2015. He has identified the signature of the testator P.Pandian in the subject Will dated 27.09.2015 through his deposition. He has also deposed that only in a sound and disposing state of mind and memory, the testator P.Pandian



executed the subject Will dated 27.09.2015. In support of his deposition, he has also filed an affidavit which has been marked as Ex.P10.

5. As seen from the evidence available on record, the testator P.Pandian died 12.05.2016 and his death certificate has been marked as Ex.P1. The petitioners and the respondents are the only legal heirs of the deceased P.Pandian which is evidenced by the legal heirship certificate dated 18.08.2016 which has been marked as Ex.P3. The original Will dated 27.09.2015 executed by P.Pandian has been marked as Ex.P2. Under the Will dated 27.09.2015 executed by P.Pandian, there are two attesting witnesses viz., S.Balasekar and H.Rajesh Kannan. One of the attesting witnesses viz., H.Rajesh Kannan has also been examined as a witness (PW2). In his deposition, he has deposed that only in his presence and in the presence of the first attesting witness S.Balasekar, Will dated 27.09.2015 was executed by the testator P.Pandian. PW2 has also deposed that only in a sound and disposing state of mind and memory, the testator P.Pandian executed the subject Will dated 27.09.2015. PW2 has also identified the signature of P.Pandian in the subject Will dated 27.09.2015 through his deposition. The first respondent is the wife and the second and third respondents are the daughters of the deceased P.Pandian who died on



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6. All of the respondents have filed their separate consent affidavits and the respective consent affidavits given by the first, second and third respondents have been marked as Ex.P4, Ex.P5 & Ex.P6 respectively. Paper publications have also been effected by the petitioners in one issue of Tamil daily “Makkal Kural” dated 27.11.2021 and in one issue of English daily “Trinity mirror” dated 05.12.2012 with regard to O.P.No.520 of 2021 which have been marked as Ex.P8 & Ex.P9 respectively.

7. An averment has also been made in the petition that no application has been made to the District Court of delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits.

8. After giving due consideration to the pleadings and evidence available on record, this Court is inclined to grant letters of administration as prayed for by the petitioners in O.P.No.520 of 2021. Accordingly, this Original Petition is allowed as prayed for.

9. Registry is directed to issue Letters of Administration in favour of

the petitioners having effect limited to the Union of India, they being the



beneficiaries/legatees under the Will of the deceased. As undertaken by the petitioners, the petitioners are directed to duly administer the properties and credits of the deceased in any way concerning his Will by paying first his debts 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 the grant of Letters of Administration with the Will annexed to the petition. 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. As undertaken by the petitioners, the petitioners are directed to render this Court a true and correct account within one year from the date of grant of Letters of Administration.

Sd/.A.Q.J.
24.01.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./28.01.2022

COURT OFFICER(O.S.)

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