



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

TUESDAY, THE 28TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No. 527 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 Smt.Saroja Kannan  
-deceased

1. V.MITHULA  
D/o.Late M.Vijayakumar,  
Flat No.A, Ground Floor,  
14/1, Fourth Street, Dr.Thirumurthy Nagar,  
Nungambakkam,  
Chennai - 600 034.

2. V.JANARDHANAN  
S/o.Late P.Vasanthakumar,  
Flat No.F, First Floor, 14/1,  
Fourth Street, Dr.Thirumurthy Nagar,  
Nungambakkam,  
Chennai - 600 034.

..Petitioners

This original petition praying that this Hon'ble court be pleased that Letters of Administration with WILL annexed to the property and credits of the deceased Smt.Saroja Kannan may be granted to them as the deceased sister's grand daughter and grandson, beneficiaries under the WILL and to have 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:



**WEB COPY** This Petition has been filed under Sections 232 and 276 of the Indian Succession Act, XXXIX of 1925, and Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2. In the petition, it is stated that the deceased Smt. Saroja Kannan died on 07.05.2007 at Janani Hospital, Ramanthapur, Hyderabad. The deceased Smt. Saroja Kannan was a permanent resident of Chennai and resided at 14/1, Fourth Street, Dr. Thirumurthy Nagar, Nungambakkam, Chennai - 600 034 and was temporarily residing at Secunderabad, at No.96, West Marredapally Road, No.3, Secunderabad - 500 026. The deceased possessed the property within the jurisdiction of this Court. The deceased Smt. Saroja Kannan was married to one C.V. Kannan and that he predeceased her. Further, it is averred that no child was born out of the wedlock to the deceased Smt. Saroja Kannan and C.V. Kannan. The father and mother of the deceased Smt. Saroja Kannan also predeceased her. The deceased Smt. Saroja Kannan had brought up the first and the second petitioners herein, viz., V. Mithula and V. Janardhanan, who are none other than the grant daughter and grant son of her own sister Smt. Bharathi. The deceased Smt. Saroja Kannan executed a Will dated 31.05.2005 in favour of the petitioners' herein and the same was registered before the Sub-Registrar,



Marredpally as Document No.65 of 2005. The amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.1,10,00,000/- The petitioners undertake to duly administer the property and credits of the deceased Smt.Saroja Kannan and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioners and also render a true account of the said property and credits within one year from the said date. No application has been filed in any other Court for Letters of Administration.

3.The second petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P6:

Ex.P1 is the original registered Will dated 31.05.2005 executed by Mrs.Saroja Kannan, which has been attested by two attesting witnesses namely 1.Mr.C.Vedavyasa Rao and 2.Mr.E.Vinod Kumar. Ex.P1 Will was registered as Doc.No.65 of 2005 on the file of the office of the Sub Registrar, Marredpally.

Ex.P2 is the original death certificate of Saroja Kannan, who died on



Ex.P3 is the computer generated birth certificate of V.Janardhanan, who was born on 12.09.1989.

Ex.P4 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.09.2021.

Ex.P5 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 02.10.2021.

Ex.P6 is the affidavit of the assets showing the net value of the estate as Rs.1,10,00,000/-

4. There are two attesting witness to Ex.P1, Will. The first attesting witness passed away. Therefore, the second attesting witness, viz., Mr.E.Vinod Kumar, was examined as P.W.2 and his affidavit is marked as Ex.P7. He has stated as follows;

*"Mrs.Saroja Kannan is my maternal aunt. As such I am well acquainted with her. She executed Ex.P1 Will on 31.05.2005 in my presence and in the presence of Mr.C.Vedavyasa Rao. At her request, I subscribed my signature as the second attesting witness along with Mr.C.Vedavyasa Rao, who attested the Ex.P1 Will as the first attesting witness in the presence of Mrs.Saroja Kannan. I saw Mrs.Saroja Kannan subscribing her signature at the foot of every page of Ex.P1 Will. All of us signed in each other's presence. She was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. I was also one of the identifying witnesses to the Ex.P1 Will at the time*



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*registration of the Ex.P1 Will before the SRO, Marredpally. I have filed my affidavit in this regard. Ex.P7 is my affidavit."*

5.Considering the averments made in the petition and on perusing the materials available on record, this Court is satisfied that the petitioners are entitled to the issuance of Letters of Administration.

6.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 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 petitioners are further directed to render true and correct accounts once in a year.

Sd/.K.R.J.  
28.06.2022

//Certified to be a true copy//

Dated at Madras this the                      day of                      2022.

su.05.07.2022

COURT OFFICER(O.S.)