

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 05TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No. 659 of 2019

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of Last Will and
Testament of S.Sethuraman
(deceased)

Mrs.V.Venkatalakshmi @ Revathy,
W/o.Mr.S.Hariharan,
No.62, Golden City,
Thottagiri Road,
Alasanatham, Hosur,
Krishnagiri-635 109

..Petitioner

-Vs-

1. Smt.R.Maheswari,
Wife of Sri Sankara Subramanian @ Baskar,
No.6, Palanisamy Konar Street,
K.K.Pudur, Coimbatore-641 038

2. Sri.R.V.S.Mani,
S/o.Late Mr.S.Ramalingam,
No.7/3-C, 2nd Street,
Sridevi Nagar,
Ganapathy,
Coimbatore-641 006

3. Mrs.S.Mythili,
Wife of Mr.S.Anand,
No.S-3, Saidwaraka Apartment,
2nd Floor, Priya Nagar Extension V,
Urapakkam,
Kancheepuram-603 210.

4. MRS. R. KASUSALYA
Wife of Mr. R.Thyagarajan,
No.1, 2nd Street,
K.R.G.Nagar,
Ganapathy,
Coimbatore- 603210

5. MRS.R.SASIKALA
Wife of Mr. K. Natarajan,
No.222, 2nd Cross Street,
BDS Nagar,
Knarayanapura,
Kothanur,
Bangalore- 560 077

6. MR.S.MURALI
Son of Mr.S.Seshadri
No.130/1B2, Pongiammal Nagar,
2nd Street, Koundampalayam,
Coimbatore-641030

7. MRS. V. GAYATHIRI
Wife of Mr. S. Karthick ,
No.36/11,
Kondasamy Naidu Street,
Velandipalayam,
Coimbatore- 641 025

..Respondents

Original Petition praying that this Hon'ble Court be pleased to
grant the Letter of Administrations with the Will annexed, to the Petitioner
as sister in law of the deceased Mr. Sethuraman, legatee under the Will of

the said document dated 31.5.2012 having effect limited to the State of Tamil Nadu and limited to the assets in the affidavit of assets

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

This petition has been filed for Letters of Administration with a Will annexed. The petitioner is the daughter of one Smt.Nalina, who is the sister in law of the Testator Mr.S.Sethuraman, who died on 20.07.2013 leaving behind a Will dated 31.05.2012, registered as a Doc.No. 51 of 2012 at Sub Registrar's Office, Tambaram, in which, the petitioner and the respondents are the beneficiaries.

2. The Testator Mr.S.Sethuraman died issueless and his wife Mrs.S.Lalitha predeceased him on 02.10.2011.

3. Before the Learned Master, the petitioner 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.659 of 2019. Through P.W.1, the following documents were marked as Exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Certified copy of the Sale Deed dated 29.03.1989 executed in favour of S.Sethuraman, registered as Doc.No.376 of 1989 at SRO, T.Nagar.
Ex.P-2	Photocopy of the death certificate of S.Lalitha, who died on 02.10.2011.
Ex.P-3	Original Will dated 31.05.2012 executed by Mr.S.Sethuraman, registered as Doc.No.51 of 2012 at SRO, Tambaram.
Ex.P-4	Original death certificate of Mr.S.Sethuraman, who died on 20.07.2013.
Ex.P-5	Affidavit of assets showing the net value of the estate as Rs.14,00,000/-.
Ex.P-6	Series 2 Nos. are the copies of paper publications effected in one issue of Tamil daily “Makkal Kural” dated 09.12.2020 and one issue of English daily “Trinity Mirror” dated 22.12.2020.

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

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-7	Affidavit of P.W.2, Mr.Sivaraman

5. In the subject Will dated 31.05.2012, there are two attesting witnesses viz., Mr.K.John and Mr.L.Suresh. Both of them are now dead. In place of the attesting witnesses, Mr.Sivaraman was examined as a witness (P.W.2). In his deposition, he has deposed that the Testator Mr.S.Sethuraman is his family friend. He has identified the signature found in the Will dated 31.05.2012 (Ex.P3) and he has deposed that the signature

found there in is the signature of the Testator Mr.S.Sethuraman. He has also deposed that the signatures of the attesting witnesses Mr.K.John and Mr.L.Suresh found in the bottom of the Will dated 31.05.2012 are that of the attesting witnesses.

6. The respondents have been duly served in O.P.No.659 of 2019. As seen from the subject Will dated 31.05.2012 (Ex.P3) the petitioner and the respondents are the beneficiaries. As seen from the evidence available on record, the Testator Mr.S.Sethuraman died on 20.07.2013 issue less and his wife Mrs.S.Lalitha predeceased him on 02.10.2011. The death certificate of Mr.S.Sethuraman (Testator) and his wife Mrs.S.Lalitha have been marked as Exs.P.4 and P.2 respectively. The original Will dated 31.05.2012 registered as Doc.No.51 of 2012 at SRO, Tambaram executed by Mr.S.Sethuraman has been marked as Ex.P3. The Sale Deed dated 29.03.1989 standing in the name of Mr.S.Sethuraman registered as a Doc.No.376 of 1989 at Sub Registrar's Office, T.Nagar, which is the subject matter of the Will has been marked as Ex.P1. Paper publications were also effected in one issue of Tamil daily "Makkal Kural" dated 09.12.2020 and one issue of English daily "Trinity Mirror" dated 22.12.2020 with regard to O.P.No.659 of 2019, which have been marked as Ex.P6.

7. Under the subject Will stated supra, the petitioner and the respondents are the beneficiaries.

8. Despite service of notice on the respondents in O.P.No.659 of 2019 they have chosen not to enter appearance in this matter till date. The original petition is of the year 2019 and the names of the respondents have been printed in the cause list today. Since they have not entered appearance till date, despite service of notice, they are set ex-parte by this Court. Therefore, it is deemed that they have no objection for grant of Letters of Administration in favour of the petitioner.

9. After giving due consideration to the pleadings as well as to the evidence available on record, this Court is inclined to grant Letters of Administration in favour of the petitioner as prayed for.

10. Accordingly, this petition is allowed. Issue Letters of Administration of the Will dated 31.05.2012 (Ex.P.3) 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.
05.01.2022

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./11.01.2021

COURT OFFICER(O.S.)

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