



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

FRIDAY, THE 10TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.318 of 2020

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of Last Will and
Testament of Mr.P.Adhinarayana
Sasthri (deceased)

MR.P.A.KRISHNAN
S/o.(Late) P.Adhinarayana Sasthri,
Door No.12, Krishnappa Mudali Street,
Purasawalkam,
Chennai-84

..Petitioner

-Vs-

1. * **O.SURESH @ O.SURESHKUMAR**
S/o.Mallika Arjunaiah,
No.10/48, Thiruvengadam Street,
Mandaveli,
Chennai-28

2. O.SINDHURIKA
* **O.SURESH @ O.SURESHKUMAR**
No.10/48, Thiruvengadam Street,
Mandaveli,
Chennai-28



3. O.SUREKHA @ O.SUREKHA VANI

*** O.SURESH @ O.SURESHKUMAR**

No.10/48, Thiruvengadam Street,
Mandaveli,
Chennai-28

*** (The name of the first and third respondent
amended as per order dt 21/12/2020
in A.No.3170/2020)**

..Respondents

This original petition praying that this Hon'ble court be pleased to grant Letters of Administration with the Will dated 06.04.1994 executed by the said P.Adhinarayana Sasthri annexed, may be granted to the Petitioner as son/sole Beneficiary under the Will of the deceased P.Adhinarayana Sasthri, 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 under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules, seeking the grant of Letters of Administration.

2. In the petition, it is stated that the deceased P.Adhinarayana Sasthri



died on 03.01.2014 at No.12, Krishnappa Mudali Street, Purasawalkam,

Chennai - 84. The deceased possessed the property within the jurisdiction of

this Court. The petitioner is the son of deceased P.Adhinarayana Sasthri.

The first respondent is the petitioner's sister's husband and the respondents 2

and 3 are the petitioner's sister's daughters. The deceased P.Adhinarayana

Sasthri executed a Will dated 06.04.1994 in favour of his wife P.Shantha

and his son, P.A.Krishnan, the petitioner herein and the same was registered

before the Sub-registrar, Purasawalkam on the same date. Through the Will

the deceased P.Adhinarayana Sasthri has given life interest in favour of his

wife and after the lifetime of his wife, his son P.A.Krishnan would have

absolute right with respect to the entire property. Mrs.P.Shantha also passed

away on 05.05.2012 and her legal heirship certificate has been marked as

P.10 through P.W.1. The amount of assets which is likely to come to the

petitioner's hands does not exceed in the aggregate sum of Rs.90,00,000/-

The petitioner undertakes to duly administer the property and credits of the

deceased P.Adhinarayana Sasthri 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 petitioner 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



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3.The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P14:

Ex.P1 is the photocopy of the Sale Deed dated 17.03.1937

Ex.P2 is the photocopy of the Release Deed dated 08.07.1992.

Ex.P3 is the certified copy of the Sale Deed dated 18.02.1993

Ex.P4 is the photocopy of the Release Deed dated 06.04.1994, along with its certified copy

Ex.P5 is the computer generated death certificate of O.Umasuresh

Ex.P6 is the computer generated death certificate of P.Adhinarayanan

Ex.P7 is the photocopy of the Legal Heirship certificate dated 16.02.2015 in respect of P.Adhinarayanan

Ex.P8 is the original Will dated 06.04.1994 executed by P.Adhinarayana Sasthiri.

Ex.P9 is the computer generated death certificate of P.Shantha

Ex.P10 is the photocopy of the Legal Heirship certificate dated 07.08.2012 in respect of P.A.Shantha

Ex.P11 is the photocopy of the Patta dated 13.12.1995

Ex.P12 (Series 2 Nos.) are the computer generated property tax



receipts.

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Ex.P13 is the affidavit of assets showing the net value of the estate as Rs.90,00,000/-

Ex.P14 (series 2 Nos.) are the copies of paper publications effected in one issue of Tamil daily "Makkal Kural" dated 18.02.2021 and one issue of English daily "Trinity Mirror" dated 25.02.2021.

4. One Mrs.C.Rajeswari, one of the attesting witness to Ex.P8 Will, is examined as PW.2 and marked her affidavit as Ex.P15. She has stated as follows;

"Mr.P.Adhinarayana Sasthiri is my neighbour. He executed Ex.P8 Will on 06.04.1994. Ex.P8 Will was executed by Mr.P.Adhinarayana Sasthiri in my presence and in the presence of Mrs.Geetha. I was present along with Mrs.Geetha, at the time of signing of the Ex.P8 Will by Mr.P.Adhinarayana Sasthiri. Mr.P.Adhinarayana Sasthiri subscribed his signatures in our presence. After that, Mrs.Geetha subscribed her signature as the first witness and I have signed as the second witness to the Ex.P8 Will. In the presence of Mr.P.Adhinarayana Sasthiri, we subscribed our signatures. At his request, we both of us signed as witnesses. Mr.P.Adhinarayana Sasthiri was in a sound and disposing state of mind at the time of execution of Ex.P8 Will. He executed the said Will on his own volition and without anybody's instigation. We, both of us signed as the witnesses in the residence



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of P.Adhinarayana Sasthri. I have also one of the identifying witnesses at the time of registration of Will before the Sub Registrar, Purasawalkam. The Will was executed and registered on the same day. At the time of execution of the Will I was residing at No.A.P.107, Anna Nagar West Extension, Madras - 101. At the time of signing of my affidavit, I was staying at No.60, U.R.Nagar, Anna Nagar West Extension, Chennai - 600 101. At present, I am staying at W105, 5th Street, Park Road, Anna Nagar West, Chennai - 600 101. I have filed my affidavit in this regard. Ex.P15 is my affidavit.

5.As far as the respondents are concerned, they have already given consent for grant of letters of administration in favour of the petitioner through independent consent affidavits.

6.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 the issuance of Letters of Administration.

7.Accordingly, this petition is allowed. Issue Letters of Administration 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/.K.R.J.
10.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.21/06/2022

COURT OFFICER(O.S.)

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