



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.841 of 2019

In the matter of the Indian Succession
Act, XXXIX of 1925

and

In the matter of the Last Will and
Testament of Mrs.Kamala
Krishnamurthi (deceased)

K.RAMANATHAN
S/o.Late S.R.Krishnamurthi Coral Sands,
Flat No.2B, Door No.26,
Beach Road, Besant Nagar,
Kalakshetra Colony, Chennai-600090.

...Petitioner

-Vs-

1. MRS.MEERA PADMANABHAN
W/o.S.V.Padmanabhan, and

2. MRS.NIRMALA VAIDYANATHAN
W/o.S.S.Vaidyanathan
both residing at
C/o.Mr.K.Ramanathan Coral Sands,
Flat No.2B, Door No.26,
Beach Road, Besant Nagar,
Kalakshetra Colony,
Chennai-600090.

..Respondents



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This original petition praying that this Hon'ble court be pleased to grant Letters of Administration with Will annexed of the properties and credits of deceased may be granted to the petitioner as son / beneficiary/ legatee under the Will of deceased to have effect throughout 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 under Sections 232 and 276 of the Indian Succession Act, 1926 under 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 Mrs.Kamala Krishnamurthi died on 31.12.2015 at "Coral Sands", Flat No.2B, Door No.26, Beach Road, Besant Nagar, Kalakshetra Colony, Chennai - 600 090. The deceased possessed the property within the jurisdiction of this Court. The petitioner and the respondents are the son and daughters of the deceased Kamala Krishnamurthi. The deceased Kamala Krishnamurthi executed a Will dated 16.03.2002 at Mumbai. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.2,00,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Kamala Krishnamurthi 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 Administration.

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 P9:

Ex.P1 is the original Will dated 16.03.2002 executed by Kamala Krishnamurthi.

Ex.P2 is the computer generated death certificate of Kamala Krsihnamurthi.

Ex.P3 is the photocopy of the death report of Dr.S.R.Krishnamurthi in Hindi along with English translation.

Ex.P4 is the photocopy of the Agreement dated 19.04.2022

Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.1,99,99,000/-

Ex.P6 is the consent affidavit given by the 1st respondent.

Ex.P7 is the consent affidavit given by the 2nd respondent.

Ex.P8 is a copy of paper publication effected in one issue of Tamil



daily "Makkal Kural" dated 30.12.2020.

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Ex.P9 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 07.01.2021.

4. One Mrs.Rajalakshmi Ramanathan, a third party to this proceedings, is examined as PW.2 and marked her affidavit as Ex.P10. She has stated as follows;

"I am third party to this proceedings. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. In continuation of my proof affidavit, I am deposing as follows;

Ex.P1 Will was executed by my mother-in-law Kamala Krishnamurthi. I am well acquainted with her signature. I identify the signature found below the paragraph starting with "IN WITNESS WHEREOF..." and above the paragraph starting with "Signed by the said KAMALA KRISHNAMURTHI..." in Ex.P1 Will as that of my mother-in-law Kamala Krishnamurthi. Both the attesting witnesses to the Ex.P1 Will are no more now. I have filed my affidavit in my capacity as third party to this proceedings. Ex.P10 is my affidavit."

5.As far as the respondents are concerned, they are the sisters of the petitioner and they have already given consent for grant of letters of administration in favour of the petitioner and as already indicated, the said consent affidavits were marked as Exts.P.6 and P.7.



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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.22/06/2022

COURT OFFICER(O.S.)

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