

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

TUESDAY, THE 14TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.459 of 2021

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

and

In the matter of the Last Will and
Testament of Mr.Sunder Mohan Singh
@ Mr.Sunder Mohan Singh Kapur
(Deceased)

MR.BALWINDER KAPOOR
W/o.Mr.Sunder Mohan Singh Kapur,
Old No.28, New No.20, Venkatesan
2nd Street, Anna Salai,
Chennai-600 002

..Petitioner

-Vs-

1. Mrs.INDERJIT KAPUR,
W/o.Mr.Ranbir Singh Kapur,
Old No.28, New No.20,
Venkatesan 2nd Street,
Anna Salai, Chennai-600 002

2.MRS. JASVINDER KAPUR
D/o.Mr.Sunder Mohan Singh Kapur,
Old No.28, New No.20,
Venkatesan 2nd Street,
Anna Salai, Chennai-600 002

3.MRS.CHETANA KAPOOR
W/o.Mr.Shahid Ali Rarvi,
No.3, Diana Deepti Appt.,
Karpagambal Nagar,
Madipakkam, Chennai-600 091

4.MRS.SHEEBA ANAND
W/o.Mr.Gurudeep Singh,
Old No.28, New No.20,
Venkatesan 2nd Street,
Anna Salai, Chennai-600 002

..Respondents

This original petition praying that this Hon'ble court be pleased that Letters of Administration with the will annexed of the properties and credits of the deceased may be granted to her as the wife / legatee under the Will of the said deceased having effect limited to 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 High Court Original Side Rules, seeking the grant of Letters of Administration.

2.In the petition, it is stated by the petitioner that the deceased/husband Mr.Sunder Mohan Singh Kapur, died on 23.12.2019 at No.28, Venkatesan 2nd Street, Anna Salai, Chennai – 600 002. During his

life time, the deceased executed a Will dated 12.12.2019. The Testator has not appointed any executor to the Will dated 12.12.2019. The petitioner is the wife and respondents are the daughters of the Testator. The respondents have given their consent affidavits, expressing their no objection for probate of the Will. The total amount of the assets will be for a sum of Rs.65,00,000/-.

3. It is further stated that so far no application has been filed in any other Court for the Probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to the property and credits of the deceased Mr.Sunder Mohan Singh Kapur.

4. In order to prove the Will, the petitioner herein is examined as PW.1 and marked Exhibits P1 to P16. Ex.P1 is the original Will dated 12.12.2019 executed by her husband Mr.Sunder Mohan Singh @ Sundar Mohan Singh Kapur. Ex.P2 is the computer generated death certificate of her husband Mr.Sunder Mohan Singh Kapur. Ex.P3 is the computer generated Legal Heirship certificate in respect of Mr.Sunder Mohan Singh Kapur. Ex.P4 is the photocopy of the Aadhaar card of Mrs.Balwinder Kapoor. Ex.P5 is the photocopy of the Aadhaar card of Inderjit Kapur. Ex.P6 is the photocopy of the Aadhaar card of Jasvinder Kaur. Ex.P7 is the

photocopy of the Aadhaar card of Chetana Kapoor. Ex.P8 is the photocopy of the Aadhaar card of Sheeba Anand. Ex.P9 is the photocopy of the sale Deed dated 29.12.1970 executed in favour of Mr.Sunder Mohan Singh. Exs.P10, P11, P12 and P13 are the consent affidavits given by the respondents 1 to 4. Ex.P14 is the affidavit of assets showing the net value of the estate as Rs.64,97,000/-. Ex.P15 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 23.11.2021 and Ex.P16 is a copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 04.12.2021. Despite the paper publication also, none has appeared and raised objections.

5. One of the attestors of the Will dated 12.12.2019, viz., Mr.A.Dilip Kumar is examined as P.W.2 and marked Ex.P17, which is his affidavit. In his evidence, he has stated that he was a tenant in Mr.Sunder Mohan Singh Kapur house. The Testator executed his last Will and Testament in his presence and in the presence of one Ms.Malliga. At the time of executing the Will, the Testator was in a sound and disposing state of mind and not affected by any illness.

6. Another attesor of the Will dated 12.12.2019, viz., Ms.K.Malliga is examined as P.W.3 and marked Ex.P18, which is her affidavit. In her evidence she stated that she worked as housemaid in Mr.Sunder Mohan

Singh Kapur's house and she is well acquainted with them. At the time of executing the Will, the Testator was in a sound and disposing state of mind and not affected by any illness.

7.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.

8.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.
14.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.22/06/2022/01.07.2022

COURT OFFICER(O.S.)

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