

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

TUESDAY, THE 07TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.657 of 2013

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of Certified Copy of
Last Will and Testament of deceased
M.Devan

1. MRS.H.VIJAYALAKSHMI
W/O.D.HARIKRISHNAN (LATE)
NO.82, THIRUVALLUVAR SALAI,
VANNIYA TEYNAMPET, CHENNAI - 600 018

2. H.VANDHANA
D/O.D.HARIKRISHNAN (LATE)
NO.82, THIRUVALLUVAR SALAI,
VANNIYA TEYNAMPET, CHENNAI - 600 018

3.H.UDAYABHANU(MINOR)
D/O.D.HARIKRISHNAN (LATE)
NO.82, THIRUVALLUVAR SALAI,
VANNIYA TEYNAMPET, CHENNAI-600 018

4. MINOR H.VINOTHINI,
D/O.D.HARIKRISHNAN(LATE)
3 AND 4 PETITIONERS
REP BY MOTHER AND NATURAL GUARDIAN
MRS.H.VIJAYALAKSHMI,
NO.82, THIRUVALLUVAR SALAI,
VANNIYA TEYNAMPET,
CHENNAI - 600 018

..Petitioners

-Vs-

1. MR.D.SAMPATHKUMAR
S/O.M.DEVAN,
NO.82, THIRUVALLUVAR SALAI,
VANNIYA TEYNAMPET, CHENNAI - 600 018

2.MRS. D.SUBBULAKSHMI
W/O.K.DAMODARAN,
ILLALUR VILLAGE,
KADUMBADI AMMAN STREET,
KANCHIPURAM DISTRICT

3. MRS.V.PREMAVATHI
W/O.VEERARAGHAVAN,
NO.A-1, RAJBHAVAN GARDEN, CHENNAI - 600 032

4.MRS.D.KANNAMMAL
W/O.M.DEVAN,
NO.82, THIRUVALLUVAR SALAI,
VANNIYA TEYNAMPET,
CHENNAI - 600 018

..Respondents

This original petition praying that this Hon'ble court be pleased that the Letters of Administration with the certified copy of the Will annexed may be granted to the first petitioner as wife of deceased son named under the Will of the said deceased thereof to have effect limited out state of Tamil Nadu may be granted to her.

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, 255 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 that the Testator, Mr.M.Devan died on 14.08.1999 and he possessed the various properties within the jurisdiction of this Court. The 1st petitioner is the wife and petitioners 2 to 4 are the children of late S.Harikrishnan, who is son of the deceased Testator late M.Devan. 1st respondent is the son and 2nd and 3rd respondents are the daughters and the 4th respondent is the wife of deceased Testator M.Devan. During his life time, he executed a Will and testament on 04.05.1994 in the presence of witnesses and got registered at the Sub-Register Office, Seethama Colony, Chennai vide document No.30 of 1994. The 1st respondent D.Sampathkumar and the deceased D.Harikrishnan are the sole beneficiaries to the estate of the deceased M.Devan in the Will dated 04.05.1994. The letters of administration is filed only in respect of the petitioners 50% of share in the property No.82, Thiruvalluvar Salai, Vanniya Teynampet, Chennai – 600 018. The other property mentioned in the Will is situated out of the city, hence the petitioners' did not include those properties in the present petition. The amount of the assets which are likely to come into the petitioners' hands does not exceed the aggregate sum of Rs.5,00,000/-. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners undertake to duly administer the property and credits of the deceased

M.Devan 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 1st petitioner, who examined herself 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 certified copy of the Will executed by M.Devan

Ex.P2 is the original death certificate of Devan

Ex.P3 is the original death certificate of D.Harikrishnan

Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.4,95,000/-.

Ex.P5 is a copy of Paper Publication effected in one issue of Tamil daily “Malai Sundar” dated 17.10.2015.

Ex.P6 is a copy of Paper Publication effected in one issue of English daily “News today” dated 24.10.2015.

4. Further, one Mr.S.Manimuthu, was examined as PW.2 and marked his affidavit as Ex.P7. He is a third party and he was present at the time of

execution of Ex.P1 Will by Devan along with K.Gopal Naicker and S.Subramanian and he was well acquainted with the signature of Devan.

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.
07.06.2022

//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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