



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

THURSDAY, THE 17TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.485 of 2021

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of Last Will and
Testament of V.Krishnasamy
(deceased)

K.GOPINATH, M/Age 39 years,
S/o.Late V.Krishnasamy,
No.20/23, Kamarajar Salai,
Teynampet, Chennai - 600 018.

..Petitioner

-Vs-

1. K.RAJAMMAL, F/Age 73 years,
W/o.Late V.Krishnasamy,
No.20/23, Kamarajar Salai,
Teynampet, Chennai - 600 018.

2. SAKUNTHALA KANAGALINGAM, F/Age 60 years,
W/o.Kanagalingam,
No.15, 3rd Street, Pagavathipuram,
Thiruverumbur Taluk,
Tiruchirappalli - 620013.

3. K.HEMAVATHI, F/Age 53 years,
W/o.Jagadeesan,
No.4/387, 4th Block,
10th Street MMDA Colony,
Maduravoyal,
Tiruvallur - 600095.



4. PUSHPA ARPUTHARAJ, F/Age 50 years,
W/o.Aruputharaj,
35/14, Varatharajan Street,
Thiyagaraya Nagar,
Chennai - 600017.

5. SHARMILA, F/Age 50 years,
W/o.Subramani,
C-5, 69 PWD Quarters,
Tod-Hunter Nagar, Saidapet,
Chennai-600015.

..Respondents

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 to the petitioner as son/beneficiary under the Will of deceased .

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

This petition has been filed for grant of letters of administration with Will annexed.

2. The petitioner is the son, the first respondent is the wife and the respondents 2 to 5 are the daughters of the deceased V.Krishnasamy who died on 21.07.2019. During his lifetime, V.Krishnasamy executed a Registered Will dated 09.07.2018. Under the said Will, the petitioner is the beneficiary and no executor has been appointed. The said Will has been attested by two attesting witnesses namely B.Annamalai and R.Jayagopal.



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3. Before the learned Master, the petitioner was examined as a witness (PW1) and one of the attesting witnesses namely B.Annamalai was examined as a witness (PW2). The deposition of PW1 reiterates the contents of the petition filed in support of O.P.No.485 of 2021 and the deposition of PW2 also supports the content of the petition filed in support of O.P.No.485 of 2021. Through PW1, the document were marked as Ex.P1 to Ex.P11 and through PW2, a document was marked as Ex.P12.

4. Exhibits marked before the learned Master are as follows:

<i>Exhibits</i>	<i>Nature of Documents</i>
P1	Computer generated death certificate of V.Krishnasamy
P2	Original registered Will and Testament dated 09.07.2018 executed by V.Krishnasamy and registered as Doc.No.12 of 2018 on the file of the office of the Sub-Registrar, Chennai Central.
P3	Computer generated legal heirship certificate of V.Krishnasamy
P4	Computer generated property tax receipt dated 19.09.2020
P5	Affidavit of assets showing the net value of the estate as Rs.16,00,000/-
P6	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 18.11.2021.
P7	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 26.11.2021.
P8	Consent affidavit given by the 1 st respondent
P9	Consent affidavit given by the 3 rd respondent
P10	Consent affidavit given by the 4 th respondent



<i>Exhibits</i>	<i>Nature of Documents</i>
P11	Consent affidavit given by the 5 th respondent
P12	Affidavit of B.Annamalai

5. The respondents were duly served through paper publications which were marked as Ex.P6 & Ex.P7 and the respondents 1 & 3 to 5 have filed their separate counter affidavit. The second respondent neither filed a caveat nor consent affidavits and hence, she is set exparte by this Court.

6. One of the attesting witnesses, PW2 in his deposition has stated that only in his presence and in the presence of R.Jayagopal, the deceased V.Krishnasamy executed the registered Will dated 19.07.2018 in a sound and disposing state of mind, memory and understanding. In his deposition, he has also identified the signature of the deceased V.Krishnasamy. He has also filed his affidavit supporting the contents of this petition.

7. This Court has perused and examined the evidence available on record. Ex.P1, the death certificate of V.Krishnasamy reveals that V.Krishnasamy was died on 21.07.2019 at the age of 86 years. The legal heirship certificate of the deceased V.Krishnasamy which has been marked as Ex.P2 shows that the petitioner and the respondents herein are the only legal heirs of the deceased. Ex.P3, the property tax receipt dated 19.09.2020

reveals that the subject property is standing in the name of the deceased



V.Krishnasamy. Ex.P5, the affidavit of assets shows that the net value of the estate is Rs.16,00,000/-. Paper publication have also been effected in one issue of both in Tamil and English dailies namely (a) Makkal Kural dated 18.11.2021 and (b) Trinity Mirror dated 26.11.2021 which have been marked as Ex.P6 & Ex.P7. Respondents 1 & 3 to 5 have also filed their separate consent affidavits stating consent for grant of letters of administration in favour of the petitioner and the same have been marked as Ex.P8 to Ex.P11.

8. After perusing and examining the pleadings as well as the evidence available on record, this Court is of the considered view that the petitioner is entitled for grant of letters of administration as he has proved that the Registered Will dated 09.07.2018 was executed by his late father V.Krishnasamy. Accordingly, Letters of Administration is granted.

9. Registry is directed to issue Letters of Administration in favour of the petitioner having effect throughout the State of Tamil Nadu, he being the beneficiaries/legatees under the Will of the deceased. As undertaken by the petitioner, the petitioner is directed to duly administer the properties and credits of the deceased in any way concerning his Will by paying first his

debts and then the legacies therein bequeathed, so far as the assets will



extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration with the Will annexed to this petition. 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. As undertaken by the petitioner, the petitioner is directed to render this Court a true and correct account within one year from the date of grant of Letters of Administration.

Sd/.P.V.J.
17.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./23.02.2022

COURT OFFICER(O.S.)

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