



O.P.No.599 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.12.2022

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.599 of 2021

V.Janardhan Rao
S/o.Dr.V.N.Venkat Rao
Old No.21, New No.51, 1st Main Road,
Karpagam Gardens,
Adyar S.O. Adyar,
Chennai-600 020.

... Petitioner

VS

- 1.Smt.Padmavathi
W/o.Dr.V.N.Venkat Rao
Old No.21, New No.51, 1st Main Road,
Karpagam Gardens,
Adyar S.O. Adyar,
Chennai-600 020.
2. Smt.Sumithra Subramanya,
D/o.Dr.V.N.Venkat Rao,
3D, Maheswari Apartments,
No.6/76, TM Maistry Street,
Thiruvanmiyur,
Chennai-600 041.
3. Smt.Lakshmi Srinivasan,
D/o.Dr.V.N.Venkat Rao,
C/o.R.Srinivasan,
C.21, Suki Home, 50, Chamundi Nagar,



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4. Smt.Nithya Ravichandran
D/o.Dr.V.N.Venkat Rao
No.1, MAITRI First Cross Street, Sriram Nagar,
Off Radhakrishnan Main Road,
Thiruvanmiyur,
Chennai-600 041.

PRAYER: Original Petition filed for issuance of Letters of Administration of a Will under Sections 232 and 276 of Indian Succession Act XXXIX of 1925 under Order XXV Rule 5 of Original Side Rules, prays to grant that Letters of Administration with the WILL annexed may be granted to Petitioner as the beneficiary/Son under the Will of the said deceased having effect throughout the State of Tamil Nadu and thus render justice.

For Petitioner : Mr.V.Venkadasalam

For Respondents : No appearance

ORDER

The petitioner seeks the grant of letters of administration with the Will annexed in relation to the last Will and testament of his late father Dr.V.N.Venkat Rao.



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2. The petitioner states that his late father executed his last Will and testament on 30.11.2003 at Old No.21, New No.51, 1st Main Road, Karpagam Gardens, Adyar S.O., Adyar, Chennai 600 020. The said Will was executed in the presence of the two witnesses, whose names appeared at the foot of the Will. Under the Will, it is stated that the testator bequeathed his immovable property in favour of the petitioner. The cash was bequeathed to three daughters of the testator in equal proportions. The wife of the testator and the mother of the petitioner is arrayed as the first respondent and the three sisters of the petitioner as respondents 2 to 4.

3. In support of this petition, the petitioner was examined as PW1. In course of the examination-in-chief of PW1, the 9 documents listed at the foot of this order were exhibited as Exs.P1 to P9.

4. The original Will dated 30.11.2003 is exhibited as Ex.P2. The said document discloses that the Will was executed on 30.11.2003 at Adyar, Chennai in the presence of C.S.S.Raman and S.Chandrasekaran. The death certificate of the testator is on record as Ex.P1. This document discloses that



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he died on 20.06.2005. The legal heirship certificate in relation to the testator is on record as Ex.P3. Ex.P3 discloses the names of the first respondent, petitioner and respondents 2 to 4 as the legal heirs of the testator.

5. One of the attesting witnesses was examined as PW2. In course of the examination of Mr.C.S.S.Raman/PW2, he stated that the testator was a distant relative and that he signed as one of the attesting witnesses. He further deposed that the testator was in a sound and disposing state of mind at the time of execution of Ex.P2.

6. Based on the assertions in the petition and the evidence adduced in order to establish the same, the petitioner is entitled to succeed.

7. For reasons set out above, O.P.No.599 of 2021 is allowed by granting letters of administration with Will annexed to the petitioner in respect of the last Will and testament of late Dr.V.N.Venkat Rao dated 30.11.2003. The petitioner shall execute a security bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (O.S) of this Court. The petitioner shall file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Index : Yes / No

Petitioner's witness:

P.W.1 - Mr.V.N.Janardhan Rao

P.W.2 – Mr.C.S.S.Raman

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The computer generated death certificate of Dr.V.N.Venkat Rao.
Ex.P2	The original Will dated 30.11.2003 executed by Dr.V.N.Venkat Rao.
Ex.P3	The computer generated Legal Heirship certificate of V.N.Venkat Rao.
Ex.P4	The affidavit of assets showing the net value of the estate as Rs.1,25,00,000/-.
Ex.P5	The consent affidavit given by the 1 st respondent.



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<i>Exhibit No.</i>	<i>Description</i>
Ex.P6	The consent affidavit given by the 2 nd respondent.
Ex.P7	The consent affidavit given by the 4 respondent.
Ex.P8	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 16.09.2022.
Ex.P9	The copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 08.09.2022.



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