



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

WEDNESDAY, THE 15TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.595 of 2018

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

and

In the matter of Last Will and
Testament of Mrs.K.Radha (deceased)

MRS.SHANMUGA VADIVU,
D/o.Late Mrs.K.Radha,
New No.20, Old No.63/1,
Vinayagar Koil Street, Venkatapuram,
Velachery Road,
Chennai- 600 015

.Petitioner

-Vs-

MRS.PUSHPAMANI
W/o.Alayappan,
No.571, U-Block,
Thiru-Vi-Ka-Kudiyiruppu,
Teynampet, Chennai- 600 018

..Respondent

This original petition praying that this Hon'ble court be pleased that
Letters of Administration with Will annexed of the properties and credits of
deceased may be granted to her as one of the Daughter/Beneficiary under



WEB COPY 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, XXXIX of 1925 r/w Order XXV Rule 5 of the Original Side Rules, 1956 seeking the grant of Letters of Administration.

2.In the petition, it is stated that the deceased K.Radha died on 28.02.2006 at No.63/1, Vinayagar Koil Street, Venkatapuram, Velachery Road, Saidapet, Chennai - 600 015. The deceased possessed the property within the jurisdiction of this Court. There are two legal heirs to the deceased K.Radha namely, Mrs.Shanmuga Vadivu, the petitioner herein and Mrs.Pushpamani, the respondent herein. The deceased K.Radha executed a Will dated 04.03.1997 and the same was registered as document no.24/1997 in the Office of the Sub Registrar, Adyar. The petitioner is the only beneficiary under the Will of the deceased. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.4,75,000/-. The petitioner undertakes to duly administer the property and credits of the deceased K.Radha and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of



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 herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P7:

Ex.P1 is the original registered Will and Testament dated 04.03.1997 executed by Mrs.K.Radha, which has been attested by two attesting witnesses namely 1.M.Ananthavel and 2.M.Saravanan. Ex.P1 Will was registered as Doc.No.24 of 1997 on the file of the office of the Sub Registrar, Adyar.

Ex.P2 is the original death certificate of the Testator K.Radhakempu, who died on 28.02.2006.

Ex.P3 is the original Legal Heirship certificate dated 01.06.2006 in respect of Mrs.K.Radha

Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.4,75,000/-

Ex.P5 is the photocopy of the receipt dated 11.11.2016 issued by Chennai Metropolitan Water Supply and Sewerage Board standing in the name K.Radha



Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 10.12.2020.

Ex.P7 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 17.12.2020.

4. One of the attesting witness, viz., Mr.M.Anandavel, to the Will dated 04.03.1997, is examined as PW.2 and marked his affidavit as Ex.P8. He has stated as follows;

"Mrs.K.Radha is my mother-in-law. As such I am well acquainted with her. She executed Ex.P1 Will in favour of my wife Shanmuga Vadivu. I was present with Mrs.Radha while she was signing Ex.P1 Will. I saw her signing each page of the Will. At her request, I signed as first witness to Ex.P1 Will in her presence. At the time of execution of the Will, Mrs.Radha was in a sound and disposing state of mind. I was also one of the identifying witnesses to Ex.P1 Will at the time of registration of the same before the SRO, Adyar. I have filed my affidavit in this regard. Ex.P8 is my affidavit."

5.As far as the respondent is concerned, notice was ordered by this Court. After the receipt of the notice, none appeared on behalf of the respondent. Today, when the matter is listed, after printing the name of the respondent in the cause-list, none appeared on behalf of the respondent.

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.
15.06.2022

//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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