



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

MONDAY, THE 20TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No. 650 of 2021

In the matter of the Indian Succession
Act, XXXIX of 1925
and
In the matter of the Last Will and
Testament of Smt.Shanthi Sivaraman-
Deceased

S.SATYANARAYANAN @ S.SATYANARAYAN
New No.17, Old No.12, II Cross Road,
R.A.Puram, Chennai - 600 028.

..Petitioner

-Vs-

1. UMA VIJAY,
W/o.Late S.Vijayaraghavan @ S.Vijay,
New No.17, Old No.12, II Cross Road,
R.A.Puram,
Chennai - 600 028.

2. SHASHANK VIJAY,
S/o.Late S.Vijayaraghavan @ S.Vijay,
New No.17, Old No.12, II Cross Road,
R.A.Puram,
Chennai - 600 028.

3. NISHANTH VIJAY
S/o.Late S.Vijayaraghavan @ S.Vijay,
New No.17, Old No.12, II Cross Road,
R.A.Puram,
Chennai - 600 028.

..Respondents



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This original petition praying that this Hon'ble court be pleased that Letters of Administration with the Will annexed may be granted to him as the son / beneficiary under the Will of the deceased having effect throughout the 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, XXXIX, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Letters of Administration with the Will of the deceased having effect throughout the State of Tamil Nadu.

2.The case of the petitioner is that the petitioner's mother namely Shanthi Sivaraman passed away on 16.04.2016. The parents of the deceased had pre-deceased to her and her husband Sivaraman passed away on 10.10.2020. The petitioner is the younger son of the deceased Shanthi Sivaraman. The elder brother of the petitioner also passed away on 20.02.2021. During her life time, the deceased Shanthi Sivaraman executed a Will dated 03.04.2013, in favour of the petitioner and respondents 1 to 3.

The 1st respondent is the wife of the petitioner's brother. Respondents 2 and



3 are the children of the 1st respondent. Therefore, the petitioner filed the present petition to administer the properties of the deceased Shanthi Sivaraman 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. In order to establish the case of the petitioner, the petitioner was examined as P.W.1 and following documents Viz., Exs.P.1 to P.11 were marked;

(1) Ex.P1 is the photocopy of the Deed of Partition dated 30.12.1981 (Compared with the original).

(2) Ex.P2 is the photocopy of the Sale Deed dated 01.12.2011 executed in favour of Mrs. Shanthi Sivaraman (Compared with the original).

(3) Ex.P3 is the original Will dated 03.04.2013 executed by Shanthi Sivaraman.

(4) Ex.P4 is the computer generated death certificate of Shanthi Sivaraman.

(5) Ex.P5 is the photocopy of the legal heirship certificate of Shanthi Sivaraman (Compared with original).

(6) Ex.P6 is the computer generated death certificate of S. Sivaraman.

(7) Ex.P7 is the computer generated death certificate of S. Vijay.



(8) Ex.P8 is the computer generated legal heirship certificate of S.Vijay.

(9) Ex.P9 is the affidavit of assets showing the net value of the estate as Rs.8,49,75,000/-.

(10) Ex.P10 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 29.01.2022. Despite the same, so far no objection was received by this Court.

(11) Ex.P11 is a copy of paper publication effected in one issue of English daily”Trinity Mirror” dated 05.02.2022. Despite the same, so far no objection was received by this Court.

4.One of the attestors of the Will dated 03.04.2013, viz., Mrs.Thangamani Narayanaswamy is examined as P.W.2 and marked evidence Ex.P12, which is her affidavit. In her evidence, she has stated that the Testator executed her last Will on 03.04.2013 in her presence and also in the presence of one Mr.Rajagopalan and both of them have attested the Will and that the Testators were in sound and disposing state of mind, memory and understanding at the time of executing the Will.

5.As far as the respondents are concerned, they are the wife and children of the petitioner's brother and they have already given consent for grant of letters of administration in favour of the petitioner. The respondents



have examined as R.W.1 to R.W.3 and following documents Viz., Exs.R.1 to P.3 were marked;

(1) Ex.R.1 is the consent affidavit of the 1st respondent to grant of letter of administration to the petitioner in respect of the Will dated 03.04.2013.

(2) Ex.R.2 is the consent affidavit of the 2nd respondent to grant of letter of administration to the petitioner in respect of the Will dated 03.04.2013.

(3) Ex.R.3 is the consent affidavit of the 3rd respondent to grant of letter of administration to the petitioner in respect of the Will dated 03.04.2013.

6. Considering the averments made in the petition and on perusing the materials available on record, I am 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



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.
20.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.27/06/2022

COURT OFFICER(O.S.)

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