



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

FRIDAY, THE 10TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.872 of 2019

In the matter of Indian Succession
Act, 1925 and
In the matter of Last Will and
Testament of K.C.Parthasarathy-
Deceased

1. MR.ARUNKUMAR VIJAYAKUMAR
S/o.Late I.Vijayakumar
Flat No.2A, Sai Shiv Apartments,
Door No.5/2, Ranganathan Avenue,
Kellys, Kilpauk,
Chennai-600 010.

2.MR.RAMKUMAR VIJAYAKUMAR
S/o.Late I.Vijayakumar
Flat No.2A, Sai Shiv Apartments,
Door No.5/2, Ranganathan Avenue,
Kellys, Kilpauk,
Chennai-600 010.

..Petitioners

-Vs-

1. MR.K.P.DINAKAR
S/o.Late K.C.Parthasarathy
FF8, Leo Block VGN Zodiac Ville,
62 Devadass Street, Mogappair,
Tiruvallur, Tamilnadu-600 037



2. MRS.K.D.DIVYA

D/o.Late K.P.Dinakar,

FF8, Leo Block VGN Zodiac Ville,

62 Devadass Street, Mogappair,

Tiruvallur, Tamilnadu-600 037

..Respondents

This original petition praying that this Hon'ble court be pleased that Letters of Administration with the Will dated 21.08.1998 annexed may be granted to them as the grandsons/legatees/beneficiaries under the Will dated 21.08.1998 of the said deceased K.C.Parthasarathy having effect limited to the State of Tamilnadu.

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 232A and 276 of the Indian Succession Act, 1925 read with 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.C.Parthasarathy died on 16.05.2003 at No.3, Ranganathan Avenue, Sai Shiv Apartments, Kilpauk, Chennai - 600 010. The deceased possessed the property within the jurisdiction of this Court. The petitioners are the grandsons of the deceased K.C.Parthasarathy and the respondents are the son and granddaughter of the



deceased K.C.Parthasarathy. The deceased K.C.Parthasarathy executed a Will dated 21.08.1998 at Chennai. The amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.1,32,75,912/-. The petitioners undertake to duly administer the property and credits of the deceased K.C.Parthasarathy 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 first petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P14:

Ex.P1 is the original Will dated 21.08.1998 executed by K.C.Parthasarathy.

Ex.P2 is the computer generated death certificate of Parthasarathy.

Ex.P3 is the photocopy of the Legal Heirship Certificate of K.C.Parthasarathy

Ex.P4 is the computer generated death certificate of K.P.Padma

Ex.P5 is the computer generated death certificate of



V.Krishnakumari.

WEB COPY Ex.P6 is the computer generated legal heirship certificate of V.Krishnakumari

Ex.P7 is the computer generated death certificate of I.Vijayakumar

Ex.P8 is the photocopy of the death certificate of M.L.Leela

Ex.P9 is the photocopy of the property tax demand card bearing No.520126 of Late Mr.K.C.Parthasarathy

Ex.P10 is the computer generated death certificate of K.P.Dinakar

Ex.P11 is the computer generated extract from permanent land register dated 18.03.2022

Ex.P12 is the affidavit of assets showing the net value of the estate as Rs.1,32,75,912/-

Ex.P13 is the copy of the paper publication effected in issue of Tamil daily "Maalai Malar" dated 23.12.2021

Ex.P14 is a copy of the paper publication effected in issue of English daily "DT Next" dated 04.01.2022.

4. The learned counsel for the petitioners submitted that there are two attesting witnesses to the Will. One of the witness has already passed away and that he could not trace the other attesting witness. Therefore one

Mr.J.Arumugam, a third party to this proceedings was examined as P.W.2



and he has deposed as follows:

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"I am third party herein. As per the Will, two witnesses namely 1.M.L.Leela and 2.D.Silesh have signed and I know them for the past 30 years. I also know Mr.K.C.Parthasarathy through the attesting witnesses M.L.Leela and D.Silesh who all came to Temple for prayers. I came to understand that the first attesting witness M.L.Leela is no more and the second attesting witness D.Silesh had moved to abroad. I am also aware that both the attesting witness have signed in the aforesaid Will. I am also present at Guindy when both the attesting witnesses signed in the Will. I am identifying the signature of both the attesting witnesses in column Nos.1 and 2 are that of M.L.Leela and D.Silesh. K.C.Parthasarathy also signed in my presence in the Will. I have filed my affidavit in this regard. Ex.P15 is my affidavit."

5.According to the petitioners, the first respondent has passed away and the only legal heir is the second respondent. Notice has been served to the first respondent when he was alive and that notice has also been served to the second respondent. Thereafter, the name of the respondents is also printed in the cause-list. However, when the matter was called today, none appeared on behalf of the second respondent.

6.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.



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7. 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.
10.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/16.06.2022

COURT OFFICER(O.S.)

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