



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

THURSDAY, THE 03RD DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.978 of 2019

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of the Last Will and
Testament of C.Radhapathy deceased.

C.Ramesh Babu,
S/o.Late C.Radhapathy,
residing at D.No.947,
Poonamallee High Road,
Chennai-600 084

..Petitioner

-Vs-

Tmt.D.Mahalakshmi,
W/o.D.Suresh Babu,
residing at No.18-1-17,
Tirumala by pass Road,
Tirupathi-517 507

..Respondent

Original Petition praying that this Hon'ble Court be pleased to grant
Letters of Administration with Will annexed to the properties and credits of
deceased C.Radhapathy to the petitioner as son, the beneficiary under the
Will dated 9.3.2015 of the said deceased to have effect throughout the



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

This Original Petition has been filed seeking for Letters of Administration with the Will annexed.

2.The petitioner is the son and the respondent is the daughter of the deceased C.Radhapathy who died on 08.11.2017 leaving behind the petitioner and the respondent as his legal heirs. The deceased C.Radhapathy executed an unregistered Will dated 09.03.2015, under which, the petitioner is the beneficiary and no executor had been appointed. Therefore, the petitioner has filed the petition for letters of administrations in order to substantiate his claim.

3. Though service completed, the respondent neither entered appearance nor filed caveat and hence, she is set ex-parte.

4. Before the learned Master, the petitioner was examined as a witness (PW1). In his deposition, he reiterated the contents of the petition filed in support of this petition. The following documents were marked as



<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Original unregistered Will and Testament dated 09.03.2015 executed by Mr.C.Radhapathy, which has been attested by two attestors
P2	The computer generated death certificate of C.Radha Pathy, who died on 08.11.2017
P3	The computer generated Legal Heirship certificate dated 29.06.2018 in respect of Mr.C.Radha Pathy
P4	The computer generated death certificate of Mrs.C.Nirmala Devi, who died on 12.05.2019
P5	The photocopy of the Sale Deed dated 03.07.1989 executed in favour of C.Radhapathy
P6	The photocopy of the Sale Deed in Telugu dated 11.03.1987 executed in favour of C.Radhapathy along with English translation of Sale Deed
P7	The affidavit of assets showing the net value of the estate as Rs.4,40,000/-
P8	The copy of paper publication effected in one issue of Tamil daily “Dina Malar” dated 21.02.2020
P9	The copy of paper publication effected in one issue of English daily “The New Indian Express” dated 28.12.2020

5. The Will has to be proved by examining one of the attestors.

Therefore, one of the attesting witnesses namely S.Chandrasekar was examined as PW.2 and he has stated that he was well acquainted with the deceased C.Radhapathy as his family friend and he subscribed his signature as the first attesting witness along with one K.Vijayasrinivasulu who attested the Ex.P1/Will as the second attesting witness in the presence of

C.Radhapathy. He has also stated that he saw the deceased C.Radhapathy



affixing his left thumb impression on all the pages of the Ex.P1/Will and he was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1/Will. Therefore, the petitioner has proved the Will.

6. An averment has also been made in the petition that no application has been made to any District Court or delegate or to any other High Court for probate of any Will of the deceased C.Radhapathy or Letter of Administration with or without the Will annexed to his property and credits.

7. After perusing and examining the evidence available on record and after hearing the submissions of the learned counsel for the petitioner, this Court is inclined to grant letters of Administration as prayed for in favour of the petitioner in O.P.No.978 of 2019. Accordingly, this petition is ordered.

8. Registry is directed to issue Letters of Administration in favour of the petitioner having effect limited to the Union of India, he being the beneficiary/legatee 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 the 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 accounts within one year from the date of grant of Letters of Administration.

Sd/.P.V.J.
03.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./16.03.2022

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.