



O.P.No.265 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.265 of 2022

V.Padmanaban
S/o.P.V.Varadhachari,
Ground Floor,
Old No.18, New No.39, Second Cross Street,
Ellaiamman Colony,
Chennai-600 086.

.. Petitioner

vs

Tmt.K.Savitha @ K.Savitha Suresh Bhat,
W/o.late K.Suresh Bhat,
First Floor,
Old No.18, New No.39, Second Cross Street,
Ellaiamman Colony,
Chennai-600 086

.. Respondent

PRAYER: Original Petition filed for Letters of Administration of Will under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of Original Side Rules, prays to grant Letters of Administration of the WILL dated 05.09.2019 annexed herein executed by K.Suresh Bhat in favour of the Petitioner herein as the third party beneficiary under the WILL of the said deceased having effect throughout the State of Tamil Nadu and thus render justice.



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For Petitioner : Ms.K.Kalpana for
Mr.R.Vijayaraghavan

ORDER

The petitioner seeks the grant of letters of administration with the Will annexed in respect of the last Will and testament of the late Mr.K.Suresh Bhat.

2. The petitioner states that he entered into a business under partnership with the late K.Suresh Bhat. Mr.K.Suresh Bhat executed his last Will and testament on 05.09.2019 in the presence of two witnesses, namely, Mr.V.K.Seshadri and his wife, K.Savitha. Since the petitioner is the beneficiary under the Will, the present petition is filed.

3. In order to establish entitlement to the relief claimed, the petitioner examined himself as PW1. In course of the examination-in-chief of PW1, the 13 documents listed at the foot of this order were exhibited as Exs.P1 to P13. The original unregistered Will of Mr.K.Suresh Bhat (Ex.P1) discloses that the said Will was executed on 05.09.2019 at Chennai. The Will has



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been attested by K.Savitha, the respondent herein, and Mr.V.K.Seshadri.

The death certificate of the testator (Ex.P7) discloses that he died on 16.02.2021. The petitioner has placed on record the surviving family members certificate (Ex.P8) which discloses the only surviving family member of the testator as Smt.K.Savitha, the respondent herein. Several documents relating to the assets bequeathed under the Will are placed on record (Exs.P2 to P6). The respondent's consent affidavit is on record (Ex.P10). Paper publications were effected (Exs.P11 and P12). The respondent, who was one of the attesting witnesses of the Will, was examined as PW2. She also filed an affidavit as attesting witness (Ex.P13). She deposed that the testator was her husband and that the Will was executed in her presence and in the presence of the other attesting witness. She further deposed that her husband was in a sound and disposing state of mind at the time of execution of the Will.

4. Based on the assertions in the petition and the evidence adduced in support thereof, the Will stands duly proved. Accordingly, the petitioner is entitled to the relief claimed.



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5. For the reasons aforesaid, O.P.No.265 of 2022 is allowed by granting letters of administration with the Will annexed to the petitioner in respect of the estate described in the schedule to the petition. The petitioner shall execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) 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.Padmanabhan

P.W.2 – Mrs.K.Savitha @ K.Savitha Suresh Bhat

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The original unregistered Will dated 05.09.2019 executed by Mr.K.Suresh Bhat.



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<i>Exhibit No.</i>	<i>Description</i>
Ex.P2	The photocopy of the Sale Deed dated 13.08.1993 executed in favour of Mr.Suresh Bhat and Mrs.K.Savitha which was registered as Doc.No.665 of 1993 on the file of the office of the District Registrar, Madras Central (Compared with the original).
Ex.P3	The photocopy of the Sale Deed dated 03.09.1997 executed in favour of Mr.K.Suresh Bhat which was registered as Doc.No.952 of 1997 on the file of the office of the Sub-Registrar, Tiruvallicane (Compared with the original).
Ex.P4	The photocopy of the Sale Deed dated 03.09.1997 executed in favour of Mr.V.Padmanaban and Mr.K.Suresh Bhat which was registered as Doc.No.956 of 1997 on the file of the office of the Sub-Registrar, Tiruvallicane (Compared with the original).
Ex.P5	The photocopy of the Sale Deed dated 04.09.1997 executed in favour of Mr.V.Padmanaban and Mr.K.Suresh Bhat which was registered as Doc.No.951 of 1997 on the file of the office of the Sub-Registrar, Tiruvallicane (Compared with the original).
Ex.P6	The photocopy of the Sale Deed dated 04.09.1997 executed in favour of Mr.K.Suresh Bhat which was registered as Doc.No.954 of 1997 on the file of the office of the Sub-Registrar, Tiruvallicane (Compared with the original).
Ex.P7	The computer generated death certificate of K.Suresh Bhat.
Ex.P8	The computer generated Surviving Family Members Certificate of Mr.K.Suresh Bhat.
Ex.P9	The affidavit of assets showing the net value of the estate as Rs.1,50,00,000/-.
Ex.P10	The consent affidavit given by the respondent.
Ex.P11	The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 12.10.2022.
Ex.P12	The copy of paper publication effected in one issue of Tamil



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<i>Exhibit No.</i>	<i>Description</i>
	daily “Makkal Kural” dated 20.10.2022.
Ex.P13	Affidavit of attesting witness Mrs.K.Savitha @ Savitha Suresh Bhat

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