



O.P.No.585 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.08.2023**

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.585 of 2020

Dr.R.Ravishankar

... Petitioner

Vs.

Mrs.Geetha Ravi

... Respondent

(the respondent impleaded vide order dated 13.12.2022 in
A.No.5409 of 2022)

PRAYER : Original Petition is filed under Sections 232 and 276 of the Indian Succession Act and under Order XXV Rule 5 of the High Court Original Side Rules, seeking Letters of Administration with the Will annexed may be granted to the petitioner as sister's son, the beneficiary under the Will of the deceased having effect limited to the State of Tamil Nadu.

For Petitioner : Mr.A.V.Munuswamy

ORDER

This Original Petition has been filed seeking Letters of Administration with the Will annexed may be granted to the petitioner as sister's son, the beneficiary under the Will of the deceased having effect limited to the State of Tamil Nadu.



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WEB COPY 2. The brief facts of the case are as follows:

The petition mentioned properties are said to be belonging to one late Padmasini. The said Padmasini died on 17.02.2003. The owner of those properties viz., Padmasini remained unmarried and at the time of her death he did not leave behind any class- I legal heirs. The petitioner is the younger sister's son of the deceased. The parents of Padmasini also predeceased her. During her life time, she executed a Will dated 03.01.1986 by bequeathing the petition mentioned properties in favour of the petitioner. The respondent is the sister of the petitioner who got no objection for granting Letters of Administration to the petitioner. Since the testatrix died, the Will came into effect and therefore, the petitioner has filed this petition seeking Letters of Administration.

3. The petitioner examined himself as P.W.1 and Exhibits P1 to P13 were marked.

4. Ex.P1 is the original Will dated 03.01.1986 executed by Padmasini. Ex.P2 death certificate would show that Padmasini died on 17.02.2003. Ex.P9 is the affidavit of assets showing the net value of the estate as



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Rs.9,06,401.18. Exs.P10 & P11 are the copies of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 28.07.2021 and Tamil Daily "Makkal Kural" dated 05.08.2021. Ex.P12 is the death certificate of one of the attesting witness Mr.Natarajan.

5. The respondent examined herself as R.W.1 and stated in her evidence that she does not have any objection to issue Letters of Administration in favour of the petitioner.

6. One of the attesting witnesses by name Kanniammal has been examined as P.W.2 and she has stated in her evidence that the testatrix is her aunt's daughter and she is present along with the another witness Natarajan at the time when the Will was executed. She further stated that she had seen the testatrix signing in Ex.P1 Will. She signed the Will as the 1st attesting witness in the presence of testatrix. The testatrix was in a sound disposing state of mind at the time when the Will was executed.

7. With the statement of P.W.1, P.W.2 and R.W.1 and other documents in record, the petitioner has proved that the Will has been executed in terms of Section 63(c) of the Indian Succession Act and its



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genuineness is proved in accordance with Section 68 of the Indian Evidence Act.

8. Hence, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 03.01.1986 of Padmasini annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioner is directed to 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 is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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APPENDIX

Petitioner's witnesses:

P.W.1 – Dr.R.Ravishankar

P.W.2 – Mrs.Kanniammal

R.W.1 – Mrs.Geetha Ravi

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original Will dated 03.01.1986 executed by Padmasini.
Ex.P2	The photocopy of the death certificate of Padmasini.
Ex.P3	The photocopy of the petitioner's passport issued by United States of America.
Ex.P4	The photocopy of the petitioner's Overseas Citizen of India Card.
Ex.P5	The downloaded copy of the petitioner's flight ticket dated 18.11.2018 along with 65B Certificate.
Ex.P6	The computer generated statement of account of Padmasini issued by the State Bank of India, Kodambakkam Branch.
Ex.P7	The computer generated statement of account of Padmasini issued by Indian Bank, Royapettah Branch.
Ex.P8	The photocopy of the Sale Deed dated 03.07.1985 executed in favour of Padmasini.
Ex.P9	The affidavit of assets showing the net value of the estate as Rs.9,06,401.18.
Ex.P10	The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 28.07.2021.
Ex.P11	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 05.08.2021.
Ex.P12	The computer generated death certificate of Mr.S.Natarajan, one of the attesting witnesses.
Ex.P13	Affidavit of one of the attesting witnesses.

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