



WEB COPY



O.P.No.472 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.07.2023**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 472 of 2022

1. S.Ragavendran
2. S.Durga
3. G.Vijayalakshmi
4. A.Rathna
5. N.Jayalakshmi

...

Petitioners

Vs.

M.Parvathi

Original Petition is filed under Section 232 & 276 of Part IX of the Indian Succession Act, 1925 read with Order XXV, Rule-5 of Original Side Rules seeking for grant of Letters of Administration with the Will dated 18.11.1996 to the petitioners 1 to 4 herein namely 1)S.Raghevendram, 2) S.Durga, 3) G.Vijayalakshmi and 4) A.Rathna, as beneficiaries / Legatee under the Will having effected limited to the State of Tamil Nadu.

For Petitioner : Mr.G.B.Sabaridas

ORDER

This Original Petition has been filed under Section 232 & 276 of Part IX of the Indian Succession Act, 1925 read with under Order XXV Rule 5 of Original Side Rules seeking issuance of Letters of Administration with the



O.P.No.472 of 2022

Will dated 18.11.1996 to the petitioners 1 to 4 herein namely

1) S. Raghevendram, 2) S. Durga, 3) G. Vijayalakshmi and 4) A. Rathna, as beneficiaries / Legatee under the Will having effected limited to the State of Tamil Nadu

2. The averments in the petition are as follows:-

The petition mentioned properties belong to the testator by name P.B. Narayanan by virtue of a sale deed dated 19.01.1972. The first and second petitioners are the daughters of a predeceased daughter S. Nagalakshmi born through the first wife of P.B. Narayanan, the third and fourth petitioners are the daughters of P.B. Narayanan born through the second wife and fifth petitioner is the second wife of P.B. Narayanan. The respondent is the daughter of P.B. Narayanan born through the first wife. During his lifetime P.B. Narayanan executed a registered Will dated 18.11.1996 reg. Doc.No.203 of 1996 in Book-III of SRO Kodambakkam, annexed to the property and credits of late P.B. Narayanan.

2.1 The testator through the above said Will had bequeathed Schedule 'A' mentioned property in favour of the first and second petitioners with life interest and enjoyment to his daughter S. Nagalakshmi who died on



O.P.No.472 of 2022

10.02.2022 and schedule 'C' mentioned property forming part of Schedule 'A' mentioned property in favour of third and fourth petitioners with life interest and enjoyment to the 6th petitioner.

3. The fourth petitioner A.Rathna got examined herself as P.W.1 and marked the following documents:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the P.W.1's Aadhar card (compared with original)
P2	Photocopy of the sale deed dated 19.01.1972 in favour of the testator (compared with the original)
P3	Original Will and Testament dated 18.11.1996 executed by the testator
P4	Original death certificate of the testator
P5	Computer generated death certificate of Mrs.Padma
P6	Computer generated death certificate of Mrs.Nagalakshmi
P7	Computer generated legal heirship certificate of Mrs.Nagalakshmi
P8	Consent affidavit of the respondent
P9	Affidavit of assets showing the new value of the estate as Rs.60,00,000/-
P10	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 18.02.2023
P11	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 25.02.2023

4. One N.Murali was examined as P.W.2 and no documents were marked.



O.P.No.472 of 2022

WEB COPY

5. Since the respondent has given consent, P.W.1 was not cross-examined by the respondent. Since both the attestors of the Will were not available, permission was sought to produce the third party affidavit by one N.Murali. On perusal of the evidence of N.Murali it is seen that the attestor was engaged in catering jobs and he is well known to him and he was also aware of the fact that the testator had executed a Will on 18.11.1996 and that has been registered in the presence of two witnesses by name B.Janakiraman and V.Sethuraman. He further stated that he is conversant with the signature of the testator and he had also identified the signature of the attestor in the Will which is marked as Ex.P3.

6. In the absence of the availability of the testators, it is right for the petitioners to examine a person who is known to the testator and who can also identify the signature of the testator.

7. News paper publication effected in one issue of Tamil Daily “Makkal Kural” and one issue of English Daily “Trinity Mirror”, attracted



O.P.No.472 of 2022

no objectors.

WEB COPY

8. With the evidence available on record, the petitioners were able to prove the genuineness of the Will. Having satisfied with the submission made by the learned counsel for the petitioners and appreciating the evidence on record, the petitioners are entitled to the reliefs as prayed for.

9. Accordingly, this Original Petition is allowed by granting Letters of Administration to the petitioners 1 to 4 with the Will dated 18.11.1996 of P.B.Narayanan annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioners are 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 petitioners are further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

06.07.2023

bkn

Internet :Yes/No



O.P.No.472 of 2022

Speaking: Non speaking
Neutral:Yes/ No

WEB COPY



O.P.No.472 of 2022

APPENDIX

Petitioner's witness:

P.W.1 – Mrs.A.Rathna

P.W.2 – Mr.Murali

Documents marked by P.W.1:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the P.W.1's Aadhar card (compared with original)
P2	Photocopy of the sale deed dated 19.01.1972 in favour of the testator (compared with the original)
P3	Original Will and Testament dated 18.11.1996 executed by the testator
P4	Original death certificate of the testator
P5	Computer generated death certificate of Mrs.Padma
P6	Computer generated death certificate of Mrs.Nagalakshmi
P7	Computer generated legal heirship certificate of Mrs.Nagalakshmi
P8	Consent affidavit of the respondent
P9	Affidavit of assets showing the new value of the estate as Rs.60,00,000/-
P10	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 18.02.2023
P11	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 25.02.2023

Documents marked by P.W.2:

Nil

06.07.2023

bkn



WEB COPY



O.P.No.472 of 2022

R.N.MANJULA, J.

bkn

O.P.No. 472 of 2022

06.07.2023