



WEB COPY



O.P.No.243 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.02.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.243 of 2022

1. N.Ramakrishnan [Since Deceased]
2. Mrs.Srividhya Suresh, also known as
Srividhya Ramakrishnan

(The 3rd Respondent herein has transposed as the 2nd petitioner
and amended as per order dated 05.07.2022 in A.No.2517 of 2022)

... Petitioners

-Vs-

1. Nirmala Chandrasekaran
2. Mallika Sivaramakrishnan

(The 2nd petitioner has been transposed from the position of 3rd respondent
and amended as per order dated 05.07.2022 in A.No.2517 of 2022)

... Respondents

PRAYER: Original Petition filed under Sections 232 and 276 of the Indian Succession Act r/w Order XV Rule 5 of O.S. Rules for Letters of Administration with the Will annexed may be granted to the 2nd petitioner being the sole beneficiary, having effect throughout the State of Tamil Nadu mentioned in the affidavit of assets.



O.P.No.243 of 2022

For Petitioner : M/s.K.V.Babu

ORDER

WEB COPY

The petitioner seeks the grant of letters of Administration with the Will of late V.Nagarajan dated 18.10.2010 annexed thereto.

2. The petition was originally filed by the son of the testator. In the petition, it is asserted that the late V.Nagarajan executed his last will and testament on 18.10.2010 at Chennai and that the said Will was registered as Document No.91 of 2010 in Book III, in the office of the Sub Registrar, Mylapore. The testator died on 26.03.2017. The parents of the testator are said to have pre-deceased him. It is further stated that the wife of the testator died on 13.12.2019.

3. On the ground that no executor was named under the will, the testator's son filed the petition. While the petition was pending, he passed away. Upon his death, pursuant to the order dated 05.07.2022 in Application No.2517 of 2022, his daughter, originally the 3rd respondent, was transposed as the 2nd petitioner.

4. In order to prove the Will, evidence was adduced by examining the



O.P.No.243 of 2022

2nd petitioner as PW1. In course of her examination-in-chief, the 10 documents listed at the foot of this order were exhibited as exhibits P1 to P10. The original Will of V.Nagarajan (exhibit P5) discloses that the said Will was executed in the presence of two witnesses, namely, R.Kannan and M.Arun kumar. The 2nd petitioner is the beneficiary under the Will as regards the immovable property described in the schedule thereto. The death certificate of the testator (Exhibit P2) discloses that he died on 26.03.2017. The death certificate of the testator's wife, Mrs.Alamelu Nagarajan, discloses that she died on 13.12.2019. The legal heirship certificate in respect of Mrs.Alamelu Nagarajan is on record as Exhibit P4. This document discloses the names of the original petitioner, and the 1st and 2nd respondent herein as her Class I legal heirs. Both the respondents provided consent affidavits (P7 & P8). Paper publications were effected (P9 & P10).

5. One of the attesting witnesses, R.Kannan, was examined as PW2. He deposed that the Will was executed in his presence and in the presence of the other attesting witness. In his proof affidavit (Exhibit P11), he stated that



O.P.No.243 of 2022

the testator was in a sound and disposing state of mind at the time of execution of the Will.

6. Based on the assertions in the petition and the evidence adduced in support thereof, the Will stands duly proved. Therefore, O.P.No.243 of 2022 is allowed by directing that letters of administration be issued to the 2nd petitioner with the Will dated 18.10.2010 of B.Nagarajan annexed thereto. Such letters of administration shall have effect throughout the State of Tamil Nadu. The 2nd petitioner shall execute a security bond for a sum of Rs.25,000/- in the name of the Assistant Registrar (OS) of this Court. The 2nd petitioner shall also submit an inventory of assets and statement of accounts within a period of *six months* and *one year*, respectively.

24.02.2023

nhs

Index : Yes / No

Internet : Yes / No



O.P.No.243 of 2022

Petitioner's witness:

P.W.1 – Srividhya Suresh

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death Certificate of Mr.N.Ramakrishnan
Ex.P2	Computer generated death Certificate of V.Nagarajan
Ex.P3	Computer generated death certificate of Mrs.Alamelu Nagarajan
Ex.P4	Computer generated death certificate of N.Alamelu
Ex.P5	Original Will executed by V.Nagarajan on 18.10.2010.
Ex.P6	Affidavit of assets showing the net value of the estate of Rs.1,12,36,000/-
Ex.P7	Consent Affidavit of the 1 st respondent.
Ex.P8	Consent Affidavit of the 2 nd respondent.
Ex.P9	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 21.12.2022.
Ex.P10	Copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 28.12.2022.
Ex.P11	Affidavit of Attesting Witness



WEB COPY



O.P.No.243 of 2022

SENTHILKUMAR RAMAMOORTHY, J

nhs

O.P.No.243 of 2022

24.02.2023