



O.P.No.347 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.347 of 2022

Sriharilakshmi Govindarajan

... Petitioner

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 petitioner as niece / beneficiary and the legatee under the Will of the said deceased Mr.Parthasarathy, dated 20.04.2010, having effect limited to the State of Tamil Nadu.

For Petitioner : M/s.S.P.Arthi



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ORDER

WEB COPY The petitioner prays for the grant of Letters of Administration with the will annexed in respect of the last Will and Testament of her maternal uncle, Mr.Parthasarathy.

2. The petitioner states that her maternal uncle, Mr.Parthasarathy, executed a Will dated 20.04.2010 and bequeathed his half share of a flat at Coats Road, T.Nagar, Chennai to the petitioner subject to a life interest in favour of his sister, Ms.R.Bama. Ms.R.Bama was the owner of the remaining half share in the said property. The petitioner asserts that the testator died on 11.06.2012 at Chennai. The parents of the testator pre-deceased him. His father, Mr.Rajagopal, died on 19.10.1957 and his mother, Mrs.Rajammal, died on 04.09.1991. The deceased was survived by his two sisters, namely, Ms.R.Bama and Mrs.Kamala Govindarajan, who were the only surviving Class II legal heirs at the time of his death. Thereafter, Ms.R.Bama died on 06.12.2016 and Mrs.Kamala Govindarajan died on 21.07.2021.



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3. The petitioner has explained the delay in instituting the petition in paragraph eight of the petition. Specifically, it is stated that the petitioner was employed at Singapore when the testator died and that a life interest was vested in her maternal aunt, Ms.R.Bama.

4. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as P.W.1. In course of the examination in chief of P.W.1, the 13 documents listed at the foot of this order were exhibited as Exs.P1 to P13. The original Will and Testament dated 20.04.2010 (Ex.P1) discloses that the Will was executed in the presence of Ms.R.Bama and J.Sankar, who were the attesting witnesses thereto. The testator states in the Will that he is unmarried and has no children. It is further stated therein that he and his sister, Ms.R.Bama, jointly purchased the property at Coats Road, T.Nagar, Chennai. It is further stated therein that the said property is bequeathed to his sister's daughter, i.e. the petitioner herein, subject to a life interest in favour of his sister Ms.R.Bama. The death certificate of the testator (Ex.P2) discloses that he died on 11.06.2012. The death certificate of Ms.R.Bama(Ex.P3)



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discloses that she died on 06.12.2016. The death certificate of the petitioner's mother, Mrs.Kamala Govindarajan(Ex.P8), discloses that she died on 21.07.2021. The petitioner has placed on record the sale deed dated 02.03.1994 as Ex.P4. The relationship certificate dated 10.10.2019 issued by the Tahsildar is on record as Ex.P7. This relationship certificate is in respect of Bama Rajagopalan and discloses that Mrs.Kamala Govindarajan is her sister. Paper publications were effected(Exs.P11 and P12).

5. One of the attesting witnesses, Mr.Sankar Jagadeesan, was examined as P.W.2. He deposed that the testator was a family friend. He also deposed that he was present along with the other attesting witness when the testator executed the Will. He further deposed that the testator was normal 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 has been duly proved. Consequently, the petitioner is entitled to the relief claimed. Hence, O.P.No.347 of 2022 is allowed by granting letters of administration with the Will annexed to the petitioner in



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respect of the last Will and Testament dated 20.04.2010 of Mr.Parthasarathy. Such letters of administration shall have effect throughout the State of Tamil Nadu. 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 also provide an inventory of assets and file the statement of accounts within a period of *six months* and *one year*, respectively.

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Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mrs.C.Alaiammal

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original unregistered last Will and Testament dated 20.04.2010 executed by Mr.R.Parthasarathy.
Ex.P2	Computer generated death certificate of Mr.R.Parthasarathy.
Ex.P3	Computer generated death certificate of Bama Rajagopalan
Ex.P4	Photocopy of the Sale Deed dated 02.03.1994
Ex.P5	Photocopy of the order dated 10.07.2014 passed by the Tahsildar, Guindy Taluk.

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<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Photocopy of the order dated 08.05.2017 passed by the Tahsildar, Guindy Taluk.
Ex.P7	Photocopy of the Relationship Certificate dated 10.10.2019 issued by the Tahsildar, Guindy Taluk.
Ex.P8	Computer generated death certificate of Raghavan Govindarajan.
Ex.P8-A	Computer generated death certificate of Kamala Govindarajan
Ex.P9	Photocopy of Aadhaar card
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.49,75,000/-.
Ex.P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 04.11.2022.
Ex.P12	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 12.11.2022.
Ex.P13	Affidavit of I.Sankar

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SENTHILKUMAR RAMAMOORTHY,J

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