



O.P.No.299 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**O.P.No.299 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 Ms.R.Bama, dated 30.11.2012, having effect limited to the State of Tamil Nadu.

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

**ORDER**

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 aunt, Ms.R.Bama.

2. The petitioner states that her maternal aunt, Ms.R.Bama, executed a Will dated 30.11.2012 and bequeathed her half share in a flat at Coats Road,



O.P.No.299 of 2022

T.Nagar, Chennai to the petitioner. The petitioner asserts that the testatrix died on 06.12.2016 at Chennai. The parents of the testatrix pre-deceased her. Her father, Mr.Rajagopal, died on 19.10.1957 and her mother, Mrs.Rajammal, died on 04.09.1991. The brother of the testatrix, Mr.Parthasarathy, died on 11.06.2012. The deceased was survived by her sister, namely, Mrs.Kamala Govindarajan, who was the only surviving legal heir at the time of her death. Thereafter, Mrs.Kamala Govindarajan died on 21.07.2021.

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 testatrix died and could not come to India earlier for the purpose of taking due steps on the Will of the deceased.

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 petitioner has placed on record the sale deed dated 02.03.1994 as Ex.P1. The original Will and Testament



O.P.No.299 of 2022

dated 30.11.2012 (Ex.P2) discloses that the Will was executed in the presence of Mrs.Radha Ramachandran and Mr.Tummala Venkata Madhukar, who were the attesting witnesses thereto. The testatrix stated in the Will that she was unmarried and had no children. It is further stated therein that she and her brother, Parthasarathy, jointly purchased the property at Coats Road, T.Nagar, Chennai. It is further stated therein that the said property and all the testatrix's movable assets, including the fixed deposits in Bank, were bequeathed to her sisters' daughter, i.e. the petitioner herein. The death certificate of R.Parthasarathy(Ex.P3) discloses that he died on 11.06.2012. The death certificate of the testatrix(Ex.P4) 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 relationship certificate dated 10.10.2019 issued by the Tahsildar is on record as Ex.P6. 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.Tummala Venkata Madhukar, was examined as P.W.2. He deposed that the testatrix was a family friend.



O.P.No.299 of 2022

He also deposed that he was present along with the other attesting witness when the testatrix executed the Will. He further deposed that the testatrix 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 has been duly proved. Consequently, the petitioner is entitled to the relief claimed. Hence, O.P.No.299 of 2022 is allowed by granting letters of administration with the Will annexed to the petitioner in 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 a statement of accounts within a period of *six months* and *one year*, respectively.

**11.01.2023**

rna

Index : Yes / No

Internet : Yes / No

4/6



**Petitioner's witness:**

P.W.1 - Mrs.C.Alaiammal

WEB COPY

**Documents exhibited by the petitioners:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                             |
|------------------------|-----------------------------------------------------------------------------------------------------|
| Ex.P1                  | Photocopy of the sale deed dated 02.03.1994.                                                        |
| Ex.P2                  | Original unregistered last Will and Testament dated 30.11.2012 executed by Bama Rajagopalan.        |
| Ex.P3                  | Computer generated death certificate of R.Parthasarathy                                             |
| Ex.P4                  | Computer generated death certificate of Bama Rajagopalan                                            |
| Ex.P5                  | Photocopy of the order dated 08.05.2017 passed by the Tahsildar, Guindy Taluk.                      |
| Ex.P6                  | Photocopy of the Relationship Certificate dated 10.10.2019 issued by the Tahsildar, Guindy Taluk.   |
| Ex.P7                  | Computer generated death certificate of Raghavan Govindarajan.                                      |
| Ex.P8                  | 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 Mr.Tummala Venkata Madhukar                                                            |

**11.01.2023**



WEB COPY



O.P.No.299 of 2022

**SENTHILKUMAR RAMAMOORTHY,J**

rrg

**O.P.No.299 of 2022**

**11.01.2023**