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O.P.No.336 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 336 of 2022

Ravi Nagarajan

...

Petitioner

Vs.

1. Geetha Shreedhara Ramarathnam @ Geetha Ramarathnam
2. Krishnamurthy Nagarajan @ Krishnamurthy
3. Malathi Murti

... Respondents

Original Petition is filed under Section 232(a) & 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of Original Side Rules seeking for grant of Letters of Administration to the petitioner herein as the one of son/one of beneficiary under the Will of the said deceased Mylapore hereunder to have effect throughout Tamil Nadu.

For Petitioner : Mr.L.Rajasekar
For Respondents : Mr.D.Muthukumar

ORDER

This Original Petition has been filed under Section 232(a) & 276 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 11.09.1999 registered as Document No.145 of 1999, registered in the Office of the Sub-Registrar, Mylapore annexed of the property and credits of deceased to the petitioner as son / one of beneficiary under the Will of the said deceased, to



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have effect limited to the State of Tamil Nadu.

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

The petition mention properties were owned by one M.R.Nagarajan by virtue of a sale deeds dated 22.01.1982, 25.12.1989 & 21.05.1993. The petitioner and the respondents are the children of the said M.R.Nagarajan. The said M.R.Nagarajan died on 03.05.2021 leaving behind his children as his only legal heirs. During his lifetime, M.R.Nagarajan executed a registered Will dated 11.11.1999 by appointing his wife as the executrix. However, the executrix predeceased M.R.Nagarajan on 19.06.2007. After the death of M.R.Nagarajan, the Will came into force. The petitioner, as one of the legal heir of M.R.Nagarajan, had filed this petition seeking Letters of Administration.

3. The petitioner examined himself as P.W.1 and Exs.P1 to P15 were marked. The first attesor of the Will by name U.H.Shahani was examined as P.W.2 and marked Ex.P16. The second attesor of the Will by name Jaya Shahani was examined as P.W.2 and marked Ex.P17

4. The sale deeds executed in favour of M.R.Nagarajan is available as



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Exs.P2, P4 & P6. The registered Will dated 11.09.1999 is marked as Ex.P1.

From the death certificate-Ex.P7 it is seen that the M.R.Nagarajan died on 03.05.2021. The legal heirship certificate of M.R.Nagarajan which is marked as Ex.P8 would show that the petitioner and the respondents are his only legal heirs. The consent affidavits of respondents 1 to 3 are available as Ex.P10 to P12.

5. Paper publication effected in one issue of Tamil daily “Makkal Kural” on 03.06.2023 and in one issue of English daily “Trinity Mirror” dated 10.06.2023 did not attract any objectors.

6. The attesting witnesses by name U.H.Shahani and Jaya Shahani have been examined as P.W.2 and P.W.3. They have stated in their evidence that they were present at the time when the Will was executed by the testator and they have stated that the testator was in sound and disposing state of mind at the time of execution of the Will. They have further stated that they have subscribed their signature in the Will in the presence of testator.

7. The evidences of P.W.1, P.W.2 & P.W.3 and the documents available



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on record would show that the Will has been executed as per the terms of Section 63(c) of the Indian Succession Act and the same has been proved in terms of Section 68 of the Indian Evidence Act. The respondents have given their consent for grant of Letters of Administration in favour of the petitioner. Since the petitioner had proved the genuineness of the Will, the relief sought shall be granted.

8. Accordingly, this Original Petition is allowed by granting Letters of Administration to the petitioner with the Will dated 11.09.1999 of M.R.Nagarajan annexed thereto. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. 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 witness:

P.W.1 – Ravi Nagarajan

P.W.2 –U.H.Shahani

P.W.3 – Jaya Shahani

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Original Will dated 11.11.1999 executed by Brigadier M.R.Nagarajan
P2	Photocopy of the sale deed dated 22.01.1982 in favour of M.R.Nagarajan
P3	Photocopy of the Construction Agreement dated 05.05.1980
P4	Photocopy of the Sale deed dated 25.12.1989 in favour of M.R.Nagarajan
P5	Photocopy of the Construction Agreement dated 11.12.1988
P6	Photocopy of the sale deed dated 21.05.1993 in favour of M.R.Nagarajan
P7	Computer generated death certificate of Meenakshisundaram Ramachandrayya Nagarajan
P8	Computer generated legal heirship certificate of Meenakshisundaram Ramachandrayya Nagarajan
P9	Computer generated death certificate of Kalpakam
P10	Consent affidavit of first respondent
P11	Consent affidavit of second respondent
P12	Consent affidavit of third respondent
P13	Affidavit of assets showing the net value of the Estate as Rs.2,50,00,000/-
P14	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 03.06.2023
P15	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 10.06.2023

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