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O.P.No.96 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.96 of 2022

Mr.K.R.Shaligram
S/o.Late K.A.Ramachar,
No.11, New Beach Road,
Thiruvanmiyur,
Chennai-600 041.

... Petitioner

VS

- 1.R.Usha
D/o.Late K.A.Ramachar
C131, Sarvodaya Enclave,
New Delhi 110 017.
- 2.Raj Kumar (H/o.Mrs.Ragini)
BD6A, DDA Flats, Munirka,
New Delhi 110067.
- 3.Akshay
S/o.Mrs.Ragini,
BD6A, DDA Flats, Munirka
New Delhi 110 067.
- 4.Arjun Kondamani,
S/o.Late Mrs.Girija
5A, East Crest Apts,
149, L B Rd,
Chennai-600 041.



O.P.No.96 of 2022

WEB COPY

5. K M K Achuth,
S/o.Late Mrs.Girija
5A, East Crest Apts,
149, L B Rd.
Chennai-600 041.

... Respondents

PRAYER: Original Petition filed for Letters of Administration Will of late K.A.Ramachar under Sections 232 and 276 of Indian Succession Act (XXXIX) 1925 read with Order XXV Rule 5 of the Madras High Court Original Side Rules 1956, prays that the Letters of Administration with the Will annexed may be granted to him as the Son/beneficiary under the Will of the said deceased having effect throughout the State of Tamilnadu.

For Petitioner : Mr.K.Balachander

For Respondents : Dr.R.Meenakshi Sundaram

ORDER

The petitioner seeks the grant of letters of administration in relation to the estate of the late Mr.K.A.Ramachar.

2. The petitioner states that he is the son of the late Mr.K.A.Ramachar. The late Mr.K.A.Ramachar executed a registered last Will and testament dated 11.07.1986, which was registered as document



O.P.No.96 of 2022

No.104 of 1986. The petitioner states that the testator died on 15.04.2007 at Chennai.

3. The petitioner asserts that the testator's wife, Mrs.Kirupa Bai, pre-deceased him and died on 06.05.1991. His eldest daughter, Mrs.R.Girija, also pre-deceased him and died on 19.07.2004. The petitioner has set out the details of the legal heirs of the testator at paragraph 13 of the petition. The testator had named Mr.K.T.Ramachandran and Dr.A.Ramamurthy as executors under the Will. By asserting that Dr.A.Ramamurthy died and that the other executor, Mr.K.T.Ramachandran, was more than 90 years old and not in a position to prosecute the case, the present petition was filed by the beneficiary. On instructions, learned counsel for the petitioner points out it was later ascertained that Mr.K.T.Ramachandran also expired on 22.11.2021.

4. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as PW1. In course of the examination-in-chief of PW1, the 25 documents listed at the foot of this



O.P.No.96 of 2022

order were exhibited as Exs.P1 to P25. The registered Will of the testator (Ex.P1) discloses that it was executed on 11.07.1986 in the presence of R.V.Sudarsan and C.Elumalai. The death certificate of the testator (Ex.P3) discloses that the testator died on 15.04.2007. The death certificate of the testator's wife (Ex.P2) discloses that she died on 06.05.1991. The death certificate of the testator's daughter, Ragini Rajkumar (Ex.P6), discloses that she died on 21.03.2021. The husband and children of Ragini Rajkumar have been joined as parties. The death certificate of another daughter of the testator, Sarojini Ramachar, discloses that she died on 22.10.2018. The death certificate of another son of the testator, K.R.Kumar (Ex.P4), discloses that he died on 26.02.2011. The petitioner asserts that Sarojini Ramachar died unmarried. As evidence of title of the testator over the estate, Exs.P7 to P16 have been exhibited. The consent affidavit of the first, fourth and fifth respondents are on record as Exs.P18 to P20. The consent affidavits of the second and third respondents are also on record (Exs.P24 and P25). The legal heirship certificate in respect of the testator (Ex.P23) discloses that Selvi.R.Sarojini, Thiru. K.R.Shaligram, Tmt.R.Usha, Tmt.R.Ragini and Thiru.K.R.Kumar were his class I legal heirs at the time



O.P.No.96 of 2022

of his death. The said persons and their respective legal heirs have been arrayed as respondents herein. Although Mr.K.R.Kumar married in the year 1985, it is stated that he was divorced shortly and did not have children.

5. By asserting that the attesting witnesses are not traceable, the petitioner applied for and obtained the consent of this Court to examine a third party to prove the execution of the Will. Accordingly, Mr.Rajasekar was examined as PW2. He deposed that he was a financial advisor to the testator. He also deposed that the signatures found on Ex.P1 are the signatures of the testator.

6. On the basis of the assertions in the petition and the evidence adduced in support thereof, the Will has been duly proved. Therefore, the petitioner is entitled to the relief claimed.

7. Accordingly, O.P.No.96 of 2022 is allowed by granting letters of administration to the petitioner in respect of the estate bequeathed under the last Will and testament dated 11.07.1986 of the late K.A.Ramachar. Such



O.P.No.96 of 2022

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 is further directed to file the inventory of assets and statement of accounts within a period of six months and one year, respectively.

19.01.2023

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Index : Yes / No

Petitioner's witness:

P.W.1 – Mr.K.R.Shaligram

P.W.2 – Mr.Rajasekar

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The original registered Will dated 11.07.1986 executed by Mr.K.A.Ramachar.
Ex.P2	The computer generated death certificate of Kripabai.



<i>Exhibit No.</i>	<i>Description</i>
Ex.P3	The computer generated death certificate of Mr.K.A.Ramachar.
Ex.P4	The computer generated death certificate of Mr.K.R.Kumar.
Ex.P5	The computer generated death certificate of Sarojini Ramachar.
Ex.P6	The computer generated death certificate of Ragini Rajkumar.
Ex.P7	The original balance confirmation certificate dated 05.07.2021 issued by the Bank of India, Adyar Branch, Chennai in respect of the account held by Mr.K.A.Ramachar.
Ex.P8	The original balance confirmation letter dated 06.07.2021 issued by the Standard Chartered Bank, Adyar, Chennai in respect of the account held by Mr.Ramachar A. Khanaiya.
Ex.P9	The NSDL Demat account statement for the period from 01.03.2019 to 31.03.2019 which is stated to be sent through e-mail (This document is marked subject to its admissibility, proof and relevancy).
Ex.P10	The photocopy of the registered Sale Deed dated 11.09.1961 (Compared with the original).
Ex.P11	The photocopy of the registered Sale Deed dated 06.11.1961 (Compared with the original).
Ex.P12	The photocopy of the registered Sale Deed dated 19.10.1963 (Compared with the original).
Ex.P13	The photocopy of the registered Sale Deed dated 01.06.1964 (Compared with the original).
Ex.P14	The photocopy of the registered Sale Deed dated 14.05.1981 (Compared with the original).
Ex.P15	The photocopy of the registered Sale Deed dated 03.06.1965 (Compared with the original).
Ex.P16	The photocopy of the registered Sale Deed dated 12.02.1969 (Compared with the original).



O.P.No.96 of 2022

<i>Exhibit No.</i>	<i>Description</i>
Ex.P17	The affidavit of assets showing the net value of the estate as Rs.24,96,22,338/-.
Ex.P18	The consent affidavit given by the 1 st respondent.
Ex.P19	The consent affidavit given by the 4 th respondent.
Ex.P20	The consent affidavit given by the 5 th respondent.
Ex.P21	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 26.10.2022..
Ex.P22	The copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 02.11.2022.
Ex.P23	The photocopy of the Legal Heirship Certificate of K.A.Ramachar (Compared with the original)
Ex.P24	The consent affidavit given by the 2 nd respondent.
Ex.P25	The consent affidavit given by the 3 rd respondent.

19.01.2023

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8/9



WEB COPY



O.P.No.96 of 2022

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O.P.No.96 of 2022

19.01.2023