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O.P.No.471 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.471 of 2022

Brigadier Vijay Naraian Money, Veteran

... Petitioner

Vs

1.Nirmala Subramanian

2.Swarnalatha Gopalakrishnan

... Respondents

PRAYER: Original Petition filed for issuance of Letters of Administration under Section 232(b) & 276 of the Indian Succession Act, r/w.XXV Rule 5 of the Original Side Rules, prays that the Letters of Administration with the Will of the deceased annexed may be granted to the petitioner as the son/beneficiary under the Will of the said deceased Mr.C.V.S.Money.

For Petitioner : Mr.T.Shanmugananda Vijayakumar

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of Letters of Administration in respect of the Will dated 25.12.1991 executed by late



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C.V.S.Money, who died on 21.03.1992. The petitioner is the son and the respondents are the daughters of the testator. The petitioner and the respondents are the beneficiaries under the Will. The testator has appointed the second respondent as an executor under the said Will. The petitioner seeks issuance of Letters of Administration in respect of the properties situate within the jurisdiction of this Court.

2. The petitioner has been examined as P.W.1. He has produced the death certificates of the testator C.V.S.Money, Gomathi Money (wife of the testator), N.S.Krishna (first attesting witness) and P.Ramaswami (second attesting witness) as, Exs.P2, P8, P6 and P7. The Original Will dated 25.12.1991, has been produced as Ex.P1. The legal heirship certificate of the testator is marked as Ex.P9. A perusal of Ex.P9 shows that the petitioner and the respondents are the only Class-I legal heirs of the testator. Despite the notice served had duly received by the respondents none had chosen to appear before this Court either in person or through their counsel. Pursuant to the general publications made, any objections have not been received, from the respondents herein or from any other person.

3. The petitioner has examined one Mrs.Kalpalatha Mohan, who is



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the niece of both attesting witnesses to the said Will as P.W.2, as the first attesting witness N.S.Krishna died on 09.06.2001, and the second attesting witness P.Ramaswami died on 17.10.2019. She has identified the signatures of the testator and both the attesting witnesses, as the testator is the maternal aunty's husband of P.W.2. One Mr.V.K.Salivati, who is the son of the first attesting witness was examined as P.W.3, he has also identified the signatures of the testator and first attesting witness as that of his father's in the Will dated 25.12.1991.

4. In view of the above, this Original Petition is ordered and Letters of Administration is granted in favour of the petitioner, in respect of the Will dated 25.12.1991 of the testator C.V.S.Money. 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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Index :Yes/No

Speaking order: Yes/ No

Neutral citation: Yes/ No

Petitioners' witness:

P.W.1 - Mr.Brigadier V.N.Money

P.W.2 – Mrs.Kalpalatha Mohan

P.W.3 – Mr.Lt.Colonel NS Krishna

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will executed by C.V.S.Money on 25.12.1991
Ex.P2	Computer generated death certificate of C.V.S.Money
Ex.P3	Original receipt dated 25.06.1989 signed by C.V.S.Money
Ex.P4	Office copy of letter dated 01.08.1988 addressed to The Post Master New Delhi – 110 001 by C.V.S.Money
Ex.P5	Office copy of letter dated 24.03.1987 addressed to The Civil Supplies Department, Madras by C.V.S.Money
Ex.P6	Computer generated death certificate of N.S.Krishna
Ex.P7	Computer generated death certificate of P.Ramaswami
Ex.P8	Computer generated death certificate of Gomathi Money
Ex.P9	Computer generated legal heir certificate of C.V.S.Money
Ex.P10	Computer generated Encumbrance certificate dated 03.09.2021
Ex.P11	Original communication from Corporation of Madras stating the change of address from Door No.73, Venkatratnam Nagar, to New Door No.34
Ex.P12	Original property tax demand card of C.V.S.Money
Ex.P13	Affidavit of assets showing the net value of the Estate as



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<i>Exhibits</i>	<i>Documents</i>
	Rs.2,43,79,424.33/- the 1 st
Ex.P14	Copy of paper publication effected in one issue of Tamil daily “Dina Mani” dated 12.02.2023
Ex.P15	Copy of paper publication effected in one issue of English daily “The New Indian Express” dated 04.02.2023
Ex.P16	Photocopy of the conveyance deed dated 19.01.1977 executed in favour of Mr.C.V.S.Money
Ex.P17	E-mail correspondence along with certificate under Section 65B of Evidence Act
Ex.P18	Affidavit of 3 rd party PW2
Ex.P19	Affidavit of 3 rd party PW3

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