



O.P.No.391 of 2023

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C.V.KARTHIKEYAN,J.

This original petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with Will annexed of A.S.Venkataraman, who had died on 27.08.2007.

2.The father of the petitioner A.S.Venkataraman had died on 27.08.2007 and he had executed a Will dated 29.01.1992. The properties were bequeathed to the petitioner herein. The executor named under the Will is the son-in-law, S.V.Sathyamurthy. The 1st and 2nd respondents are the sisters of the petitioner. The 2nd respondent died during the pendency of the petition and her legal heirs were impleaded as 3rd, 4th and 5th respondents. Incidentally, the 3rd respondent is the son-in-law, who was named as executor, but he did not apply for probate of the Will in view of his advanced age and this has forced the petitioner to file this petition seeking Letters of Administration with Will annexed.



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3. It is also stated that there were two other brothers for the petitioner namely, A.S.Subramanian and Srinivasan, who died as bachelors on 04.08.1983 and 29.01.2019 respectively. It is stated that though the properties vested on creation of trust, consequent to their physical inability, on their death the property had reverted back to this petitioner.

4. The petitioner had examined himself as PW-1 and the registered Will dated 29.01.1992 was marked as Ex.P1. The death certificate of A.S.Venkataraman and his legal heirship certificate were marked as Exs.P2 and P3. The death certificates of the two brothers of the petitioner were marked as Exs.P4 and P5. The documents relating to the properties were marked as Exs.P6, P7, P8, P9, P10, P11 and P12. The death certificate of one of the attester of the Will was marked as Ex.P13. The death certificate of the 2nd respondent was marked as Ex.P14. The paper publications were marked as Exs.P15 and P16. Affidavits of assets was marked as Ex.P17. More importantly, the petitioner had examined as PW-2, the 4th respondent who had spoken about the knowledge of the signature of his mother / 2nd respondent who was the wife of the testator to the Will and who unfortunately, died pending the petition.



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5. In view of the evidence adduced and since the Will had been proved in manner known to law though by taking recourse to Section 59 of the Indian Evidence Act, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

6. With the above observations, this Original Petition stands allowed. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S.II) High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

03.04.2024

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