



RMT.TEEKAA RAMAN,J.

This original petition has been filed taking advantage of Sections 232, 255 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S.Rules, seeking grant of Letters of Administration with certified copy of the Last Will annexed of K.S.Vasumathi, who had died on 14.10.2008. The petitioners are the beneficiary in the Will.

2. The petitioners herein are the grandsons of the deceased K.S.Vasumathi and the respondents 1 and 2 are the son and daughter of the deceased K.S.Vasumathi. The 3rd and 4th respondents are the legal heirs of the deceased daughter of K.S.Vasumathi viz., P.C.Chitra.

3. The deceased K.S.Vasumathi, purchased land bearing Plot No.6, Old Door No.21, New No.41, Mahadevan Street, West Mambalam, Chennai - 600 033, comprised in S.Nos.156 and 157, measuring an extent of 4760 sq.ft., and situated in Kodambakkam Village, situate within the Sub-Registration District of Thyagaraya Nagar, Chennai.

4. The deceased K.S.Vasumathi entered into a Joint Development Agreement dated 14.02.2000 with M/s.Chadrasekar Builders (P) Limited, to promote an apartment in a portion of land to an extent of 2660 sq.ft., The



promoter agreed to purchase 50% undivided share of land out of 2660 sq.ft and agreed to construct 2 flats in the 50% undivided share of K.S.Vasumathi.

Accordingly, 4 flats were constructed, which is called as "VASUMATHI FLATS". Out of 4 Flats, 2 flats having total built up area of 1765 sq.ft (one flat in Ground Floor to an extent of 840sq.ft. bearing Flat No.G1 and another one flat in 955 sq.ft. in the First Floor, bearing Flat No.F1 was allotted to K.S.Vasumathi, which were described in the schedule - B of Joint Development Agreement. However, this apartment is not the subject matter of this Original Petition.

5. The deceased K.S.Vasumathi, entered into an agreement dated 03.09.1989 with M/s.Navin Builes for development of flats in the front portion for the remaining extent of land measuring 2100sq.ft. having 5 feet passage on the Eastern side of the property, which is called as "SRINIVAS APARTMENTS". Accordingly, K.S.Vasumathi was allotted two flats in "SRINIVAS APARTMENTS" having total built up area of 1020 sq.ft (one flat in ground floor having built up area of 485sq.ft. and another flat having built up area of 535 sq.ft in the first floor, including a share in the common areas), together with 35/101 undivided share, which are described in Schedule-C and Schedule-D in the Acknowledgment Letter cum Handing over possession letter dated 05.04.1991.



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6. The deceased K.S.Vasumathi, during her lifetime, executed a Will dated 07.04.2003, which was registered as Doc.No.17 of 2003 in the SRO, Ashok Nagar, Chennai, whereby she bequeathed the ground floor in "VASUMATHI FLATS" in Old No.21, New No.41, Mahadevan Street, West Mambalam, Chennai - 600 033, in favour of her son K.S.Ravichandran, the 1st respondent herein, with life interest and after his demise, the said flat shall devolve upon his son R.Mukundan with absolute right of alienation and similarly the first floor flat in "VASUMATHI FLATS" in the favour her deceased daughter P.C.Chitra, with life interest and after her demise, the said flat shall devolve upon her granddaughter B.Srimathi.

7. The deceased K.S.Vasumathi bequeathed the ground floor Flat No.G3 (originally G2), having built up area of 485sq.ft. and first floor Flat No.F3, having built area of 535sq.ft, together with 35/101 undivided share out 2100sq.ft in "SRINIVAS APARTMENTS" in favour of her daughter S.Hemalatha, the 2nd respondent herein, with life interest and after her demise, the said flats shall devolve upon her grandsons, viz., the petitioners herein, with absolute right of alienation, in the same Will. These flats are the subject matter of this original petition.

8. The deceased K.S.Vasumathi died on 14.10.2008, leaving behind



the following persons as her only Class-I legal heirs.

- i) K.S.Ravichandran - Son (1st respondent)
- ii) P.C.Chitra - Daughter (Deceased mother of the petitioner)
- iii) S.Hemalatha - Daughter (2nd respondent)

9. The parents and husband of the deceased K.S.Vasumathi, pre-deceased her.

10. The granddaughter B.Srimathi, had already filed a petition for grant of Letters of Administration under Section 232, 255 and 276 of the Act, in her favour as per the Will of the deceased, in O.P.No.732 of 2022, which was granted in her favour by order dated 25.08.2023, in respect of Flat F-1, in "VASUMATHI FLATS".

11. In the very same Will dated 07.04.2003, the deceased K.S.Vasumathi, bequeathed Flat G-3 and Flat F-3 in "SRINIVAS APARTMENTS" in favour of the petitioners, being the sons of the 2nd respondent herein, who is life interest holder of the said flats. Hence, the petition for grant of Letters of Administration has been filed only in respect of the property being the flats in "SRINIVAS APARTMENTS" bequeathed in favour of the petitioners. Since, the granddaughter B.Srimathi, had already proved the Will in common and got the Letters of Administration in her



favour, in respect of her flat alone.

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12. The first petitioner was examined as P.W.1 and Exs.P1 to P11 were marked and the following documents were marked through P.W.1. are as follows:-

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
1.	Ex.P1	The photocopy of the 1st petitioner's Aadhar card
2.	Ex.P2	The photocopy of the sale deed dated 27.10.1965 executed in favour of Mrs.K.S.Vasumathi
3.	Ex.P3	The computer generated death certificate of Mrs.K.S.Vasumathi
4.	Ex.P4	The computer generated death certificate of Mrs.Chitra
5.	Ex.P5	The computer generated legal heir ship certificate of Mrs.Chitra
6.	Ex.P6	The certificate under Section 65B of the Indian Evidence Act, 1872
7.	Ex.P7	The certified copy of the order in O.P.No.732 of 2022 dated 27.12.2023 passed by this Court along with certified copy of the Will dated 07.04.2003 executed by Mrs.K.S.Vasumathi.
8.	Ex.P8	The affidavit of assets showing the net value of the estate as Rs.60,00,000/-
9.	Ex.P9	The certified copy of the order dated 25.08.2023 in O.P.No.732 of 2022 passed by this Court.
10.	Ex.P10	The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 10.08.2024
11.	Ex.P11	The copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 17.08.2024

13. On perusal of Ex.P7, I find that the probate of the very same Will has been granted by this Court in O.P.No.732 of 2022 on 27.12.2023 after taking note of the attestor of the Will.

14. Hence, this Court is of the considered view that since already probate has been granted. The Letters of Administration in respect of the



petitioners probate has bequeathed by attestor in the Will can be granted.

15. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

16. In view of the evidence adduced and since the Will had been proved in manner known to law though by taking recourse to under Section 68 of the BSNS Act, I hold there is no impediment to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

17. With the above observations, this Original Petition stands allowed. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

25.10.2024

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O.P.No.264 of 2024

25.10.2024