

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 25TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.539 of 2021

In the matter of the Indian
Succession Act, XXXIX of 1925

and

In the matter of the Last Will and
Testament of Mrs.R.Nirmala -
deceased

Mr.K.SHANMUGASUNDARAM,
S/o.Late Kannabiran,
Residing at 28, Sabapathy Street,
Ayanavaram, Chennai - 600 023.

..Petitioner

-Vs-

-Nil-

..Respondent

Original Petition praying that this Hon'ble Court be pleased the letter of administration with Will annexed may be granted to the petitioner brother in law as beneficiary / legatee under the Will of the said deceased having effect through the State of Tamil Nadu .

This Original Petition coming on this day before this court for hearing the court made the following order:

This Original Petition has been filed seeking for Letters of Administration with the Will annexed.

2 One Late.A.P.Kannabiran and Late.A.P.Gopal Pillai are brothers. The petitioner is the only son of Late.A.P.Kannabiran. The Late.A.P.Gopal Pillai had only one son namely Late.Goverdan. The Testator Nirmala is the wife of Late.Goverdan and she died issueless. Before her death, while she was in sound disposing state of mind, she had bequeathed the schedule mentioned property in favour of the petitioner who is the sole Clause II legal heir of the Testator, through an unregistered will dated 09.05.2018 in the presence of the witnesses.

3 Under the Will, the petitioner is the beneficiary and no executor had been appointed in the Will. Therefore, the petitioner has filed the petition for letters of administrations in order to substantiate his claim.

4 Before the learned Master, the petitioner was examined as a witness (PW1). In his deposition, he reiterated the contents of the petition

filed in support of this petition. The following documents were marked as Exhibits :

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Photocopy of the Release Deed dated 21.05.1972
P2	Photocopy of the death certificate of A.P.Gopal Pillai
P3	Photocopy of the death certificate of G.Govardhan
P4	Photocopy of the Legal Heirship certificate of A.P.Gopal Pillai
P5	Photocopy of the Legal Heirship certificate of G.Govardhan
P6	The Original unregistered Will and Testament dated 09.05.2018 executed by R.Nirmala
P7	Computer generated death certificate of Mrs.R.Nirmala
P8	Photocopy of the Aadhaar Card of R.Nirmala
P9	Photocopy of PW.1's Aadhaar card
P10	The affidavit of assets showing the net value of the estate as Rs.1,90,00,000/-
P11	Paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 24.12.2021
P12	Paper publication effected in one issue of English daily “Trinity Mirror” dated 01.01.2022

5 An averment has also been made in the petition that no application has been made to any District Court or to any other High Court for the probate of any Will of the deceased individual or for Letters of Administration with or without the Will annexed thereto.

6 Since the Will has to be proved by examining one of the attestors, one Nagavallil and E.Mohan who were the witnesses to the Will

and testament duly executed by R.Nirmala, were examined as P.W.2 and P.W.3 respectively. P.W.2 has deposed that she is well acquainted with the Testator R.Nirmala and the said Will was executed and signed by the Testator R.Nirmala on 09.05.2018 in her presence and one E.Mohan was also present. P.W.3 E.Mohan has also deposed that the testator R.Nirmala executed the Will dated 09.05.2018 in his presence and one Mrs.Nagavalli. He has also deposed that he had seen R.Nirmala signing the Will. Therefore, the petitioner has proved the Will.

7 After perusing and examining the evidence available on record and after hearing the submissions of the learned counsel for the petitioner, this Court is inclined to grant letters of Administration as prayed for in favour of the petitioner in OP No.539 of 2021. Accordingly, this petition is ordered.

8 Registry is directed to issue Letters of Administration in favour of the petitioner having effect limited to the Union of India, she being the beneficiary/legatee under the Will of the deceased. As undertaken by the petitioner, the petitioner is directed to duly administer the properties and credits of the deceased in any way concerning his Will by paying first his debts and then the legacies therein bequeathed, so far as the assets will

extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration with the Will annexed to the petition. The petitioner is also directed to execute a security 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. As undertaken by the petitioner, the petitioner is directed to render this Court a true and correct accounts within one year from the date of grant of Letters of Administration.

Sd/.P.V.J.
25.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/08.03.2022

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.