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RMT.TEEKAA RAMAN, J.

This Petition has been filed under Section 232 & 276 of the Indian Succession Act, XXXIX of 1925 r/w Order XXV Rule 5 of the Original side Rules for grant of Letters of Administration with the Will annexed to the Petitioner as son/sole beneficiary under the Will of the said deceased having effect limited to the State of Tamil Nadu.

2.One late V.Krishnaswamy Iyer, S/o.Venkataraman Iyer and Lakshmiammal, married and having children and grandchildren. During their life time both Late V.Krishnasamy Iyer and late Lakshmiammal, executed a joint Will dated 06.03.1982 vide registered Document No.15/1982 book 3 Pages 115 to 119 before the South Chennai District Registrar, Chennai, bequeathed the schedule mentioned properties to the Petitioner. V.Krishnaswamy Iyer, S/o Venkataraman Iyer, died on 29.08.2001 and Lakshmiammal died on 26.06.2013. The Petitioner is the son; the 1st and 2nd Respondents are the Daughters and 3rd Respondent is the grandson through the third daughter of the deceased.



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3.The movable properties mentioned in the joint WILL dated 06.03.1982 are settled, disposed and closed by the Late V.Krishnaswamy Iyer and Late. Lakshmiammal, w/o V. Krishnaswamy Iyer (deceased) during his life time.

4.There are two schedule in the Will item 1 of the property was already sold during the life time of the Testatrix V.Krishnaswamy Iyer itself and hence, in respect of the item 2 alone this Petition has been filed.

5.The 2nd Respondent J.BANUMATHI, W/o.Janakiraman is the Second daughter of late V.Krishnaswamy Iyer and Late Lakshmiammal, W/o.V.Krishnaswamy Iyer (Deceased) is one of the witnesses attested the last WILL executed by the testatrix and attested the signature of the deceased Late V. Krishnaswamy Iyer and Late. Lakshmiammal, w/o V. Krishnaswamy Iyer (deceased).

6.After following due procedure, the Petitioner was invited to tender evidence. The first Petitioner was examined as PW1 and one of the attestors was examined as PW2 and Ex.P1 to Ex.P.18 were marked, which are as follows:



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- (a) Ex.P1 is the original Will dated 06.03.1982 jointly executed by Mr.V.Krishnasamy Iyer and Mrs.K.Lakshmiammal, along with certified copy of the Will.
- (b) Ex.P2 is the certified copy of the sale deed dated 22.09.1961 executed in favour of Mrs.K.Lakshmiammal.
- (c) Ex.P3 is the certified copy of the sale deed dated 20.01.1961 executed in favour of Mr.K.Subramanian.
- (d) Ex.P4 is the photocopy of the death certificate of Mr.N.Venkataraman.
- (e) Ex.P5 is the computer generated death certificate of Mrs.Sarayu Venkat Raman.
- (f) Ex.P6 is the computer generated death certificate of Mr.V.Krishnasamy Iyer.
- (g) Ex.P7 is the computer generated death certificate of Mrs.K.Lakshmi.
- (h) Ex.P8 is the computer generated legal heir ship certificate of Mrs.K.Lakshmi.
- (i) Ex.P9 is the computer generated legal heir ship certificate of Mrs.Sarayu Venkat Raman.
- (j) Ex.P10 is the photocopy of Petitioner's Aadhaar Card.
- (k) Ex.P11 is the photocopy of the Aadhaar Card of the first respondent.
- (l) Ex.P12 is the photocopy of the Aadhaar Card of the second respondent.
- (m) Ex.P13 is the photocopy of the Aadhaar Card of the third respondent.
- (n) Ex.P14 is the online printout of encumbrance certificate for the period 01.01.1990 to 31.12.1990.
- (o) Ex.P15 is the affidavit of assets showing the net value of the estate as Rs.77,00,000/-.
- (p) Ex.P16 is the copy of the paper publication effected in one issue of Tamil Daily "Dina Kural" dated 24.06.2024.



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- (q) Ex.P17 is the copy of the paper publication effected in one issue of English Daily "Southern Mail" dated 02.07.2024.
- (r) Ex.P18 is the certificate under Section 65B of the Indian Evidence Act, 1872.

7.PW2/attestor deposed during his examination that at the time of execution of Ex.P.1, the Testatrix was in good health both V.Krishnaswamy Iyer and Lakshmiammal are in good state of mind. The consent affidavit of the Respondents 1 to 3 are also filed before this Court.

8.Taking into consideration that the Will has been proved in the manner known to law by examining the attesting witness PW2, which is one of the requisite conditions under Section 69 of the Indian Evidence Act and in view of the above oral and documentary evidences, I am of the considered view that there is no impediment to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

9.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



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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.

24.10.2024

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Dated: 24.10.2024