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O.P.No.730 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :09.12.2024

Pronounced on :13.12.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.730 OF 2021

1.Mr.N.Ramamurthy(deceased)

2.Mrs.Lalitha Subramanian

3.Mrs.Chitra Raghavan

4.Mr.Venkatesh

.. Petitioners

(The respondents 1 to 3 transposed as petitioners
2,3 and 4 in the place of the deceased petitioner
as per Order dated 04.06.2024 in A.No.2561
of 2024.

/versus/

Nil

.. Respondents



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Prayer: Original Petition has been filed under Section 232 and 276 of Indian Succession Act, 1925 read with Order XXV Rule 5 of OS Rules to grant Letters of Administration with the Will annexed at Properties and credits of the deceased to the petitioner as husband and beneficiary of the Will of the deceased Smt.Sulochana dated 20.03.2015.

For Petitioners :Mr.S.Sridhar

ORDER

This original petition has been filed under Sections 232 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 the Last Will annexed of Late R.Sulochana, who died on 02.04.2021 at Chennai.

2. In her Will dated 20.03.2015, the aforesaid Sulochana had bequeathed her house along with the undivided share of land at No:13-C , 3rd Sea Ward Road, Valmiki Nagar, Thiruvanmaiur, Chennai, and Fixed Deposits in Tamil Nadu Mercantile Bank, Thiruvanmaiur, Canara Bank, Valmiginagar, Thirvanmaiur, term deposit in Sundaram BNP Paribas and Sundaram Finance in favour of her husband N.Ramamurthy. The petition

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seeking Letters of Administration was filed by Ramamurthy, the husband of the late Sulochana. The son and two daughters of Sulochana were the respondents.

3. After filing the petition seeking Letters of Administration, the petitioner Ramamurthy died on 02.12.2021. Hence, the two daughters of Ramamurthy namely, Lalitha Subramanian and Chitra Raghavan, who were the respondents 1 and 2 sought transpose them as petitioners in their application No:5674 of 2023 leaving their brother Venkatesh as the sole respondent.

4. Later, O.P.No.784 of 2023 filed by the two daughters of Sulochana–Ramamoorthy to appoint them as Guardians of the person and to manager the properties of the mentally retarded person R.Venkatesh was allowed on 12.01.2024, thereby appointed Lalitha Subramanian and Chitra Raghavan as the guardian of Venkatesh. Thereafter, application filed by all the three respondents to get themselves as petitioners in the place of their deceased father Ramamurthy. This application No.2561 of 2024 was



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allowed by the this Court on 04.06.2024. As a consequence, the earlier Application No:5674 of 2023 for transpose respondents 1 and 2 as petitioners was dismissed.

5. To prove the due execution of the Will by Sulochana, the second petitioner Lalitha Subramanian, D/o Ramamurthy-Sulochana, had graced the witness box and examined as PW-1. 6 documents were marked as Ex.P-1 to Ex.P-6. One of the attesting witness Mr.V.Subramanian examined as PW-2 and His affidavit was marked as Ex.P7. He had deposed about the execution of the Will Ex.P-1 on 20.03.2015 by Sulochana in his presence and in the presence of the other attesting witness by name Raghavan. He had deposed that Sulochana was in sound disposition of mind and he saw Sulochana signing the Will and he affixed his signature at the request of Sulochana.

6. The petitioners 2 and 3 have given an undertaking that they will duly administer the property and credits, if any concerning by paying so far the assets will extend and make a full and true inventory thereof and exhibit



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the same to the Court within 6 months and also render true account of the said property and credits, within one year from the date of grant of letters of administration.

7. The petitioners 2, 3 and 4 are the daughters of Sulochana and also the guardian of Venkatesh, the mentally retarded son of Sulochana. Ex.P-2 is the sale deed of the immovable property in the name of Sulochana, morefully mentioned in the schedule annexed to the petition. Ex.P-3 is the term deposit receipt issued by Sundaram BNP Paribas and Sundaram Finance in the name of Sulochana. Ex.P-4 is the Tax Receipt. These documents are filed to show that Solochana is the owner of the immovable and valuable security mentioned in the petition and in the Will Ex.P-1.

8. The fact that the fourth petitioner Venkatesh is a mentally retarded person, is mentioned in the Will Ex.P-1. In the Will, Sulochana, the testatorix had casted obligation on the petitioners to take care of her son Venkatesh by providing basic needs, such as food, shelter and health care.



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9. Considering the facts and circumstances narrated above and taking into consideration the undertaking given by the petitioners 2 and 3, this Original Petition is allowed and the petitioner 2 and 3 are granted Letters of Administration in respect of the Will, dated 20.03.2015 executed by Sulochana, W/o Ramamoorthy on the following terms:-

(i) Letters of Administration to be issued in accordance with Rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu.

(ii) The petitioners 2 and 3 are directed jointly 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-II) of this Court.

(iii) The petitioners 2 and 3 are further directed to file an inventory of assets and render true account of the said property and credits within a period of six months and one year respectively.

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Index:yes/no
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Petitioners' witness:-

PW-1: Mrs.Lalitha Subramanian
PW-2: Mr.V.Subramanian

Documents marked:-

Ex.P1	Original Will dated 20.03.2015 executed by Mrs.R.Sulochana
Ex.P2	Original Sale deed dated 30.03.1992 executed in favour of Mrs.Sulochana Ramamurthy
Ex.P3	Photocopies of the term deposit receipt in Sundaram BNP Paribas and Sundram Finance standing in the name of Mrs.R.Sulochana.
Ex.P4	Original property tax receipt dated 28.08.2020 standing in the name of Mrs.Sulochana Ramamurthy
Ex.P5	Original Death Certificate of Mrs.R.Sulochana
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.1,03,48,000/-
Ex.P7	Affidavit of PW-2Mr.V.Subramanian

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DR.G.JAYACHANDRAN,J.

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delivery Order made in
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