



RMT.TEEKAA RAMAN,J.,

This original petition has been filed taking advantage of Sections 222 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Will annexed of Meenakshi Nagarajan, who had died on 08.12.2021. The property is situated within the jurisdiction of this Court.

2. The learned counsel for the petitioner submits that the brother of the deceased Mr.R.Lakshminarayanan, died intestate on 12.11.2020 at Flat No.22, 3rd Floor, Block C, Rajaram Colony, Kodambakkam, Chennai - 600 024. There was no Will bequeathed by late Mr.R.Lakshminarayanan. Further his wife Mrs.R.Chandra pre-deceased him on 02.04.2020. No issues/children were born out of their wedlock. Further his father Mr.K.V.Ramani passed away in the year 1968 and his mother Mrs.Alamelu passed away in the year 1992. Further one of his brother Mr.R.Chandrasekaran pre-deceased him on 03.01.2017. Thereby the legal heirs who would naturally succeed to the property / estate of late Mr.R.Lakshminarayanan are his brother and sisters as detailed below:



S. No	Name	Relationship
1.	Mrs.Meenakshi Nagarajan W/o.Nagarajan (the deceased herein)	Sister
2.	Mrs.Rajalakshmi, W/o.Rajaraman	Sister
3.	Mrs.R.Vimala, W/o.Santhanam	Sister
4.	Mr.Balasubramaniyan Ramani, S/o.K.V.Ramani	Brother
5.	Mrs.Shyamala Balakrishna, W/o.Appa Balakrishna	Sister

3. The petitioner further submit that as above explained, the deceased Mrs.Meenakshi Nagarajan being a legal heir of late Mr.R.Lakshminarayanan; she has right/share over the 1/5th share in the property of her brother Late Mr.R.Lakshminarayanan.

4. On 25.10.2021, the said Mrs.Meenakshi Nagarajan, in a sound and disposing state of mind executed a unregistered Will bequeathing her 1/5th share (viz.,being 131sq.ft UDS) of house. The share of all the sharers towards UDS is an extent 655sq.ft., out of whole extent of 22695 sq.ft., and building thereon with a built up area of Flat No.22 - 1160 sq.ft., (1/5th share viz., being 232 sq.ft., build up area) 3rd Floor, comprised in Town Survey (T.S.)No.77/3, C Block, Rajaram Colony, Puliur Village, in Kodambakkam Taluk, Chennai District, in favour of the petitioner herein.

5. Now that the testatrix Meenakshi Narayanan has bequeathed her

1/5th undivided share in the property in favour of his son



N.Venkatasubramanian. Her husband Nagarajan died on 31.05.2017 and only daughter of said Meenakshi Nagarajan, the respondent herein has not raised any objection to grant the Will to the petitioner.

6.The consent affidavit has been filed. P.W.1 was examined and Exs.P1 to P17 were marked.

7. 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 sale deed dated 24.05.1990 executed in favour of Mr.R.Lakshminarayanan
2.	Ex.P2	The photocopy of the unregistered construction agreement dated 23.01.2013 between Rajaram Colony "C" Block Welfare Association, Kodambakkam as the first party and M/s.Kavithaalaya Promoters as the second party
3.	Ex.P3	The online printout of the property tax receipt in respect of the property standing in the name of Mr.R.Lakshminarayanan
4.	Ex.P4	The photocopy of the Aadhaar Card of Mrs.Meenakshi Nagarajan
5.	Ex.P5	The computer generated death certificate of Mr.R.Chandrasekaran
6.	Ex.P6	The computer generated legal heir certificate of Mr.Nagarajan
7.	Ex.P7	The computer generated death certificate of Mrs.R.Chandra
8.	Ex.P8	The computer generated death certificate of Mr.R.Lakshmi Narayanan
9.	Ex.P9	The computer generated death certificate of Mr.R.Balasubramaniyan
10.	Ex.P10	The original unregistered Will dated 25.10.2021 executed by Mrs.Meenakshi Nagarajan
11.	Ex.P11	The computer generated death certificate of Mrs.N.Meenakshi
12.	Ex.P12	The computer generated legal heir certificate of Mrs.Meenakshi Nagarajan
13.	Ex.P13	The photocopy of petitioner's Aadhaar Card



<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
14.	Ex.P14	The photocopy of the Aadhaar card of Mrs.Rukmani Srinivasan
15.	Ex.P15	The photocopy of the Aadhaar card of Mr.G.Suresh
16.	Ex.P16	The downloaded guideline value of the property
17.	Ex.P17	The affidavit of assets showing the net value of the estate as Rs.21,76,500/-

8. Taking into consideration of the pleadings, the execution of the Will has been proved in the manner known to law as contemplated under the Indian Succession Act and Indian Evidence Act and there is no impediment for grant of Will itself and hence, I am inclined to grant probate in favour of the petitioners.

9. In view of the evidence adduced, this Original Petition stands allowed. The probate may be issued in favour of the petitioner in accordance with the rules.

09.09.2024

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O.P.No.571 of 2023

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