



OP.536 of 2022

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O.P.No.536 of 2022

RMT.TEEKAA RAMAN, J.

This Petition has been filed to grant Letters of Administration with the Will Annexed to the Petitioner herein, who is grand son/beneficiary under the Will of the deceased having effect limited to the state of Tamil Nadu.

2.In this Petition, Respondents are served, paper publication also effected, even the subpeona witness has been taken and the same was returned. Even though the names of the Respondents are printed in the cause list, none appears for the Respondents.

3.This Petition filed by the beneficiary under the Will said to have been executed by M.Vaidyanathan. M.Vaidyanathan, died on 16.12.1995 as could be seen from Ex.P3/death certificate of M.Vaidyanathan. Ex.P.4 is the death certificate of V.Krishnamurthy. Ex.P.5 is the legal heir certificate of V.Krishnamurthy. Ex.P.6 is the death certificate of V.Siva Subramanian. Ex.P.7 is the death certificate of M.Thailambal. Ex.P.8 is death certificate of S.Lalitha. Ex.P.9 is the death certificate of Parvathy Vaidyanathan. Ex.P.10 is the death certificate of V.Ramamurthy. Ex.P.11 is the details of guideline value



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of the petition property. Ex.P.12 is the affidavit showing the net value of the estate as Rs.37,52,000/- & Exs.P.13 & P.14 are the paper publications.

4.M.Vaidyanathan, S/o.V.Mahadevan Iyer, duly executed a Will on 02.09.1993, duly registered vide Document No.111/1993 Book – III presented in the office of the Sub Registrar, Mylapore, the said registered Will was executed at Mylapore in the presence of two witnesses. By the said Will the deceased appointed V.Krishnamurthy as the sole executor thereof. Since he died on 28.04.2021, the Petitioner who is the son of the deceased executor and grandson of the Testator has become the sole beneficiary of the Will. The deceased M.Vaidyanathan, S/o.V.Mahadevan Iyer has bequeathed his properties viz., the entire house ground and premises bearing Door No.21, Devadi Street, Mylapore, Chennai 600 004, bearing R.S.No.2671 part admeasuring in all about 700 sq. ft. within the Registration District Chennai Central, Sub Registration District of Mylapore to the Petitioner herein. The Petitioner is the sole beneficiary of the Will. The father of the Petitioner, 1st and 2nd Respondent deceased V.Krishnamurthy, enjoyed the same till his life time with all rights devolves to the Petitioner K.Naresh, S/o.V.Krsihnamurthy.

5.The deceased M.Vaidyanathan, S/o.V.Mahadevan Iyer had left behind



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one wife, four sons and four daughters, the legal heirs certificate has issued by the Tahsildar, Mylapore – Triplicane Taluk, Madras 600 028 dated 17.06.1996 vide R.Dis.(C1) 8549/96, the names are as follows:

<i>S.No.</i>	<i>Name/age</i>	<i>Relationship</i>
1	Mrs.Parvathy	Wife
2	Mr.Krishnamurthy	Son
3	Mrs.Thailambal	Daughter
4	Mrs.Jayalakshmi	Daughter
5	Mr.Ramamurthy	Son
6	Mr.Mahadevan	Son
7	Mr.Sivasubramanian	Son
8	Mrs.Rajeswari	Daughter
9	Mrs.Lalitha	Daughter

The Petitioner is the grandson of the deceased. The said legal heirs six out of nine died on various dates as below:

<i>S.No.</i>	<i>Name</i>	<i>Date of death</i>
1	Mrs.Parvathy, W/o.V.M.Vaidyanathan	03.08.2012
2	Mr.Krishnamurthy, S/o.V.M.Vaidyanathan	28.04.2021
3	Mrs.Thailambal, D/o.V.M.Vaidyanathan	29.03.2003
4	Mr.Ramamurthy, S/o.V.M.Vaidyanathan (unmarried – no issues)	04.03.2019
5	Mr.Sivasubramanian, S/o.V.M.Vaidyanathan (unmarried – no issues)	29.03.2001
6	Mrs.Lalitha	20.03.2012

6.The paternal uncles and aunties of the Petitioner are died, as per the



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above tabular column. After all the beneficiaries under the Will Mr.Krishnamurthy also died on 28.04.2021. The legal heir certificates and death certificates are marked as stated supra. The Petitioner's father and paternal uncle viz., Ramamurthy and Sivasubramanian are unmarried and they died in the year 2009 and 2011 respectively. Though life estate was given to the Father of the Petitioner, he has not chosen to probate the Will and hence, the Petitioner filed Petition for grant of Letters of Administration of the property.

7.The two attestors of the Will dated 02.09.1983/Ex.P1 viz., (i)P.Arulraj and (ii)K.Raman are not available to give evidence and hence with the permission of the Court the Mother of the Petitioner, who was well acquainted with the attestors (i)P.Arulraj and (ii)K.Raman was examined as PW2. In her evidence, she categorically stated as follows:

“I am well acquainted with the signature of my father-in-law Mr.v.M.Vaidyanathan. The signatures found in Ex.P.1 Will are that of my father-in-law Mr.V.M.Vaidhyanathan. The second attesting witness Mr.K.Raman is my father-in-law's close friend. Mr.Raman and my father-in-law Mr.V.M.Vaidyanathan worked together in Secretariat Fort St. George, Chennai. Mr.K.Raman used to visit my house very often and we had a good relationship with him till the demise of my father-in-law. As such I am well acquainted with the



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signature of Mr.K.Raman also. I was present at the time of execution and registration of Ex.P1 Will. The signature found in the place of second attestor is that of Mr.K.Raman. My father-in-law and his friend Mr.K.Raman signed the Will in my presence.”

8.After perusing the evidence of PW2, I find that her evidence is sufficient as contemplated under Section 69 of the Indian Succession Act to prove the execution and registration of the Will. Hence, the delay in filing the Petition is not fatal and hence, I am inclined to allow this Petition and 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 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.



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Dated: 08.08.2024