



O.P.No.61 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P.No.61 of 2023

Sathish

... Petitioner

Vs.

1. Latha

2. P.Palaniswamy

3. P.Rajaram

4. A.Vadivambal

5. Amaravathy

6. P.Paranjothi ... Respondents

PRAYER: Original Petition has been filed under under Section 232 and 276 of the Indian Succession Act, read with Order XXV Rule 5 of the Original Side Rules, praying that the Letters of Administration with Will Annexed of the property and the Credit of deceased to the petitioner as Grand son beneficiary under the Will of deceased to have effect limited to the State of Tamil Nadu.

For petitioner : M/s.Liagat Ali

For respondents : Ms.N.Viji



O.P.No.61 of 2023

ORDER

WEB COPY

This Original Petition has been filed under under Section 232 and 276 of the Indian Succession Act, read with Order XXV Rule 5 of the Original Side Rules, praying for Letters of Administration with Will Annexed for the property and credit of deceased to be granted to the petitioner as the grandson and beneficiary under the Will, with effect limited to the State of Tamil Nadu.

2. The learned counsel for the petitioner submitted that the petitioner is the grandson of the testator, Tmt.Salammal. Tmt.Salammal executed a registered Will on 19.12.1996 vide document No.187/3 of 1996 of SRO Mylapore. The Testator had purchased the property described in the Affidavit of Assets from the Tamil Nadu Housing Board on 12.11.1996, through a Registered Sale Deed vide document No.2353 of 1996 SRO Mylapore. The testator's husband Mr.Ponnusamy, passed away on 04.09.1979. The testator remained in possession and enjoyment of the said property until her death on 04.02.1998.

2.1. The learned counsel for the petitioner further submitted that the testator, Tmt.Salammal, declared in her Will that the property should first go



O.P.No.61 of 2023

to her third son, Manohar and upon his demise, to his wife, Latha (1st respondent), after Latha's demise, the property should go to Tmt.Salammal's grandson Mr.Sathish, the petitioner herein. The learned counsel for the petitioner further submitted that respondents 2 to 6 are the other legal heirs of the deceased testator.

3. The petitioner examined himself as P.W.1 and marked Exs.P1 to P13. Mrs.Gajalakshmi, the 2nd Respondent, who is the second attestor of Ex. P5 (Will) was examined as P.W.2. She deposed that at the time of Execution of Will, the Testator Tmt.Salammal was in a sound state of mind and in good health. She further deposed that at the time of signing of Will she was present. The 1st respondent, Mrs.Latha, was examined as R.W.1 and marked Ex.R1. Paper publication has been effected and the learned Master did not receive any objections regarding the same. The Respondents 1 to 6 have submitted consent affidavits, which are taken on record.

4. After perusing the affidavit of P.W.1, the consent affidavit of respondents and considering the above facts, I find no impediment to granting the Letters of Administration to the petitioner, as all the other legal heirs of the deceased have given consent affidavit.



O.P.No.61 of 2023

5. Accordingly, this Original Petition stands allowed and Letters of Administration to be issued to the petitioner in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. The petitioner is directed 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) of this Court. The petitioner is further directed to file an inventory of assets and statement of accounts within a period of one year, respectively.

14.10.2024

Neutral Citation: Yes/No
Speaking order : Yes/No
spp



O.P.No.61 of 2023

APPENDIX

Petitioner's witness:

P.W.1 – Mr.Sathish

P.W.2 - Mrs.P.Gajalakshmi

R.W.1 - Mrs.Latha

Documents marked:

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Certified copy of the sale deed dated 13.11.1996 executed in favour of Mrs.P.Salammal (Compared with the original)	P1
2	Photocopy of the death certificate of Mr.Ponnuswami (Compared with the original)	P2
3	Photocopy of the legal heirship certificate of Mr.Ponnuswamy (Compared with the original)	P3
4	Photocopy of the letter addressed to the Managing Director of Tamil Nadu Housing Board by Mrs.P.Salammal regarding the transfer of the ownership of the flat (This document is marked subject to its admissibility, proof and relevancy)	P4
5	Original registered Will dated 19.12.1996 executed by Mrs.Salammal	P5
6	Computer generated death certificate of Mrs.P.Salammal	P6
7	Computer generated death certificate of Mr.Manohar	P7
8	Photocopy of the legal heir certificate of Mr.Manohar (Compared with the original)	P8
9	Photocopy of the Aadhaar Card of Mrs.Latha (Compared with the original)	P9



O.P.No.61 of 2023

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
10	Photocopy of the Aadhaar Card (P.W.1) (Compared with the original)	P10
11	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 30.11.2023	P11
12	Copy of the paper publication effected in one issue of English Daily “Trinity Mirror” dated 09.12.2023	P12
13	Affidavit of assets showing the net value of the estate as Rs.25,00,00,000/-	P13
14	Consent Affidavit of Mrs.Latha	R1

14.10.2024

spp



WEB COPY



O.P.No.61 of 2023

RMT. TEEKAA RAMAN, J.

spp

O.P.No.61 of 2023

14.10.2024