

O.P.No.806 of 2022

RMT.TEEKAA RAMAN,J.

This original petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with Will annexed of C.Soundaravalli, who had died on 17.02.2022.

2. The original Will was executed by C.Soundaravalli on 05.04.2013 and registered as a Doc.No.29 of 2013 at S.R.O Mylapore, in the presence of witnesses.

3.The testatrix C.Soundaravalli through the said Will dated 05.04.2013 granted her legacy to the petitioner under the said Will the schedule property, situated at No.1, Pichupillai street, Mylapore, Chennai - 600 004 bequeathed to the petitioner herein subject to the life interest of the said C.Soundaravalli's cousin sister Mrs.Mohanasundari, W/o.D.Sankar. The said Mohanasundari predeceased the said C.Soundaravalli, on 27.08.2021.

4. The testatrix remind spinster at the time of her death, she left the immovable property mentioned in the said Will. The said C.Soundaravalli took care of B.Narmadadevi, her cousin sister Meenakshi's daughter, the petitioner herein and the said C.Soundaravalli's brother V.R.Raghavan's three



daughters by name V.R.Manjula, V.R.Sunitha and R.Ramya respondents 1 to 3 herein.

5. Apart from the above immovable property, at the time of her death the said C.Soundaravalli also left credits in the Chennai Central Co-operative Bank, Mylapore Branch in her Savings Bank Account No.714948035. As per the said Will, the petitioner alone is the beneficiary of the above said amount/credit lying therein.

6. Paper Publication has been effected.

7. The petitioner had examined herself as PW-1 and the registered Will dated 05.04.2013 was marked as Ex.P1. The sale deed dated 12.11.1959 executed in favour of Mrs.M.C.Kamalammal was marked as Ex.P2. The order dated 13.11.1997 in O.P.No.575 of 1997 passed by this Court was marked as Ex.P3. The building plan approval issued by Corporation of Chennai dated 29.09.1999 to Ms.C.Soundaravalli was marked as Ex.P4. The deed of mortgage dated 12.01.2000 executed by Ms.C.Soundaravalli to Pudupet Society Co-operative Ltd was marked as Ex.P5. Letter of discharge of mortgage loan raised by Ms.C.Soundaravalli issued by LIC Housing Financing Ltd dated 06.06.2012 was marked as Ex.P6. The Savings Bank passbook in Chennai Central Co-operative Bank Ltd Mylapore branch bearing A/c.No.714948035 standing in the name of Ms.C.Soundaravalli was



marked as Ex.P7. The sale deed dated 01.02.2013 executed in favour of Ms.Soundaravalli was marked as Ex.P8. The death certificates of Mrs.S.Mohanasundari and Ms.C.Soundaravalli were marked as Exs.P9&P10. The affidavit of assets showing the net value of the estate as Rs.1,00,96,204/- was marked as Ex.P11. The copy of the paper publication effected in one issue of Tamil Daily & Tamil Daily in "Malai Malar"and "Trinity Mirror", dated 01.12.2023 and 09.12.2023 were marked as Exs.P12 and P13.

8. The one of the testator of the Will dated 05.06.2013 and D.Sankar was examined as P.W.2. He could deposed that the testator C.Soundaravalli was in sound state of mind and good health at the time of the execution of Will and there is no cross examination by all the respondents.

9. In view of the evidence adduced and since the Will had been proved in manner known to law though by taking recourse to under Section 68 of the BSNS Act, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

10. 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.

22.08.2024

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