



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 V.Prema, who had died on 28.04.2013. The property is situated within the jurisdiction of this Court.

2. The petitioner is the beneficiary under the Will.

3(a). The learned counsel for the petitioner would submit that the testatrix V.Prema died on 28.04.2013. At the time of her death, she had left two properties in Chennai (i.e) house and ground bearing Door No.6/11, Venkateswara Colony, 2nd street, Kodungaiyur, Chennai - 600 118 and situated within the State of Tamil Nadu.

(b) The deceased V. Prema had no issues out of the wedlock and has executed the Will in favour of her sister B.Vatchala (spinster) the petitioner herein.

(c) Her brother B. Ramasamy is the 1st attesting witness and her mother B. Vijayalakshmi is the 2nd attesting witness in the said Will and she died on 17.07.2015 and her brother B. Ramasamy died on 05.07.2021.

Therefore, she is not able to file the affidavit of attesting witnesses but



however she had filed the xerox copy of the family card of V. Prema to prove the signature of the deceased V. Prema wherein the signature of V.Prema is found.

(d) He further submits that K.V.Vaidya Subramanian had three sisters and three brothers (viz) K.V.Meenakshi, K.V.Natarajan, Lakshmi, K.V.Srinivasan, K.V.Krishnamurthy and Usha. K.V.Vaidya Subramanian's elder sister K.V.Meenakshi died on 19.06.2015 leaving behind her daughter and son namely Sri Vidya Balachander and C.S.Narayanan who are added as respondents 1 and 2.

(e) He also stated that K.V.Vaidya Subramanian's elder brother K.V.Natarajan and younger brother K.V.Krishnamurthy are added as respondents 3 and 9 and younger sister Usha Ganesh is added as 10th respondent. Laxmi Ramasubramanian, sister of deceased K.V.Vaidya Subramanian died on 01.11.1976 leaving behind her husband Ramasubramanian and two sons namely R.Ganesh and R.Sreedhar and they are added as respondents 4 to 6.

(f) Further, another brother K.V.Srinivasan died on 01.03.2012 leaving behind his wife Neela Srinivasan and his son S.Sundarrajan and they are added as respondents 7 and 8. The petitioner has impleaded all the next kith and kin of deceased K.V.Vaidya Subramanian and V.Prema and there is no



other persons related to the Will to be impleaded.

4. The attestors of the Will namely for the brother and the mother of testatrix V.Prema, both are reported dead. Their Death Certificates were marked as Exs.P8 and P9 respectively through P.W.1.

5. P.W.1 in the witness box could deposed that he had come to know about the execution of the Will after sometime and has taken all the efforts to correct the details of the class II heirs of the K.V.Vaidyasubramanian, the husband of the V.Prema. They are added as a respondents 1 to 10 and marked as Exs.P1 to P13.

6. 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	Original Will dated 25.09.2006 executed by Ms.V.Prema
2.	Ex.P2	The certified copy of the sale deed dated 25.03.1968 executed in favour of Mr.K.V.Vaidyasubramanian and Mr.K.V.Natarajan.
3.	Ex.P3	The photocopy of the sale deed dated 09.09.1981 executed in favour of Mr.K.V.Vaidyasubramanian.
4.	Ex.P4	The photocopy of the death certificate of Mr.K.V.Vidyasubramanian.
5.	Ex.P5	The photocopy of the legal heir ship certificate of Mr.K.V.Vaidyasubramanian.
6.	Ex.P6	The photocopy of the death certificate of Ms.V.Prema.
7.	Ex.P7	The photocopy of the family card of Ms.Prema for the period 2005-2009
8.	Ex.P8	The photocopy of the death certificate of Mrs.B.Vijayalakshmi who is one of the attestors.



Sl. No.	Exhibits	Documents
9.	Ex.P9	The photocopy of the death certificate of Mr.Ramasamy who is one of the attestors
10.	Ex.P10	The certified copy of the decree in O.S.No.275 of 2021 passed by the Principal District Munsif, Thanjavur on 31.03.2022.
11.	Ex.P11	The certified copy of the judgment in O.S.No.275 of 2021 passed by the Principal District Munsif, Thanjavur on 31.03.2022.
12.	Ex.P12	The photocopy of the legal heir ship certificate of Mr.Ramasamy
13.	Ex.P13	The affidavit of assets showing the net value of the estate as Rs.75,00,000/-

7. P.W.2 is the neighbour V.Manimudi and he deposed that both the attestors namely brother and the mother of the testatrix and their respective signatures. Further the signatures have been identified by P.W.2, the neighbour who has been residing in the close neighbourhood on the testatrix only.

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 petitioner.



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 clearly 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.

29.08.2024

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