



O.P.No.635 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

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1. R.K.Jagannathan (deceased)
 2. R.K.Padmanaban (deceased)
 3. Kavithalaya T.Krishnan
 4. T.V.Rajan
 5. Rajalakshmi
 6. Janaki Sivakumar
 7. Rukmani Jaganathan
 8. J.Sumathi
 9. Subha
 10. Minakshi Padmanabhan
 11. Kousalya Chandrasekhar
 12. Balaji Padmanabhan
- ... Petitioners

(Petitioners 5 to 9 were impleaded as per the order passed in A.No.1575 of 2024 dated 20.03.2024. Petitioners 10 to 12 amended as per the order passed in A.No.1576 of 2024 dated 20.03.2024)

Vs.

Smt. Prema

... Respondent



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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 and Codicil annexed may be granted to petitioners as brothers and nephews / beneficiaries under the will and to have effect throughout the State of Tamil Nadu.

For Petitioners : Mr.K.Surendran

For Respondent : Mr.P.Rubin

ORDER

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 that the Letters of Administration with Will and Codicil annexed may be granted to petitioners as brothers and nephews / beneficiaries under the will and to have effect throughout the State of Tamil Nadu.

2. The learned counsel for the petitioners submitted that the respondent, Smt.Prema, is the wife of Mr.R.K.Balasubramanian (deceased).



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Mr.R.K.Balasubramanian died on 22.06.2019 at No.70, Chittrakulam North Street, Mylapore, Chennai 600 004, where he was ordinarily residing. At the time of his death, he left the property and had written his last Will and Testament and Codicil which were duly executed on 02.07.2013 and 16.04.2019, respectively, at Chennai in the presence of witnesses. In the said Will, the deceased did not appoint anyone as executor.

2.1. According to the Will of the deceased, his brothers are the prime beneficiaries named in the Will and Codicil. Since the brothers are also deceased, their legal representatives have been brought in as the petitioners. Therefore, the petitioners have filed the present petition for grant of Letters of Administration.

2.2. The learned counsel for the petitioner further submitted that the net amount of assets, both movable and immovable, after deducting all allowable items is valued at Rs.2,19,92,719/-. It is further submitted that the petitioners will render a true account of the said property and credits to this Court within one year from the date of grant of Letters of Administration.



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3. The 4th petitioner was examined as P.W.1 and marked Exs.P1 to P13. The second attester of the Will was examined as P.W.2 and marked Ex.P14, while the second attester of the Codicil was examined as P.W.3 and marked Ex.P15. Both P.W.2 and P.W.3 deposed that Mr.R.K.Balasubramanian was in a sound state of mind and in good health at the time of execution of Will and Codicil.

4. Paper publication has been effected and the learned Master did not receive any objections regarding the same. After perusing the evidence of P.W.1, P.W.2 and P.W.3 and considering the above facts, there is no impediment to granting the Letters of Administration to the petitioners.

5. Accordingly, this Original Petition stands allowed and Letters of Administration to be issued to the petitioners in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu. The petitioners are 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 petitioners are further



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directed to file an inventory of assets and statement of accounts within a period of one year, respectively.

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

Petitioner's witness:

P.W.1 – Mr.T.V.Rajan

P.W.2 - Mr.R.N.Amarnath

P.W.3 - Mr.B.Suresh

Documents marked:

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Original Will dated 02.07.2013 executed by Mr.R.K.Balasubramanian	P1
2	Original Codicil dated 16.04.2019 executed by Mr.R.K.Balasubramanian	P2
3	Certified copy of the partition deed dated 19.04.1976	P3
4	Photocopy of the Lakshmi Vilas Bank passbook held by Mr.R.K.Balasubramanian (Compared with the original)	P4
5	Photocopy of the Tamil Nadu State Apex Co-operative Bank Limited passbook held by Mr.R.K.Balasubramanian (Compared with the original)	P5
6	Photocopy of the Lakshmi Vilas Bank passbook bearing A/c.No.0430301000001741 standing in the	P6



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S.No	Particulars	Exhibits
	name of Bureau for Parliamentary Work (Compared with the original)	
7	Original valuation report given by Sri Karpagambal Jewellery on 19.03.2022 for the Gold and Silver articles held by Mr.R.K.Balasubramanian	P7
8	Affidavit of assets showing the net value of the estate as Rs.2,19,92,719/-	P8
9	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 08.08.2023	P9
10	Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 01.08.2023	P10
11	Computer generated death certificate of Mr.R.K.Balasubramanian, along with the certificate under Section 65B of the Indian Evidence Act, 1872	P11
12	Computer generated legal heir ship certificate of Mr.R.K.Balasubramanian, along with the certificate under Section 65B of the Indian Evidence Act, 1872	P12
13	Computer generated death certificate of Mr.R.Sridharan, along with the certificate under Section 65B of the Indian Evidence Act, 1872	P13
14	Affidavit of P.W.2	P14
15	Affidavit of P.W.3	P15

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