



O.P.No.231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P.No.231 of 2024

1. K.Satheeshkumar
2. K.Vinodh Kumar
3. K.Dinesh Kumar

... Petitioners

PRAYER: Original Petition has been filed under under Section 232 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of the Original Side Rules, praying that the Letters of Administration with Will Annexed to the property and credits of the deceased to the petitioners as beneficiaries under the Will of deceased to have effect throughout the State of Tamil Nadu.

For Petitioners : Ms.S.Nathiya
for M/s.V.Raghupathi



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ORDER

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This Original Petition has been filed under under Section 232 and 276 of the Indian Succession Act, 1925, read with Order XXV Rule 5 of the Original Side Rules, praying that the Letters of Administration with Will Annexed to the property and credits of the deceased to the petitioners as beneficiaries under the Will of deceased to have effect throughout the State of Tamil Nadu.

2. The learned counsel for the petitioners submitted that the schedule property was owned by the testator, Ms.Subbulakshmi. The testator, Subbulakshmi, died on 01.07.2016, at her ordinary place of residence at No.24, M.G.R.Nagar, Okiam Thoraipakkam, Chennai 600 097. She was unmarried and was looked after by the petitioners and their father, Mr.P.Kamraj. She was the absolute owner of the properties mentioned in the schedule, which were acquired out of her own self earnings from Pappathy Ammal through a registered Sale Deed in Doc.No.3948/1994 and Doc.No.1411 of 1994 dated 02.05.1994 SRO South Chennai, covering an extent of 1147sq.feet.



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2.1. The learned counsel for the petitioner further submitted that the deceased Ms.Subbulakshmi, executed a registered Will dated 30.05.2007 under Doc.No.20 of 2007 at the office of the Sub-Registrar Neelankarai, Chennai. In this Will, she bequeathed the B, C and D Schedule properties, which are part of the entire 'A' Schedule properties, to the 1st, 2nd and 3rd petitioners herein, respectively, granting them the right to possess and enjoy the said schedule properties after the life time of the testator, Ms.Subbulakshmi. She also cancelled her earlier registered Will dated 18.02.2004 in Doc.No.4 of 2004 on the file of SRO Neelankarai for her personal reasons. The petitioners are beneficiaries of the aforementioned Will and have thus filed the present petition.

2.2. The learned counsel for the petitioner further submitted that the net value of the assets, after deducting all allowable items is valued at Rs.74,35,500/-. It is also 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.

3. After following due procedure, the petitioners were invited to tender evidence. The 1st petitioner, Mr.K.Satheeshkumar, examined himself as



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P.W.1 and marked Exs.P1 to P9. Mrs.K.Krishna Prabha, the second attestor to the Will (Ex.P3) was examined and P.W.2 and marked Ex.P10.

Mr.V.N.Umapathy the 1st attestor to the Will (Ex.P3) was examined as P.W.3 and marked Ex.P11. Both attestors have stated that the deceased, Ms.Subbulakshmi, affixed her left thumb impression on the Will (Ex.P3) in their presence and at her request they signed as attesting witnesses at the time of the registration before the SRO, Neelankarai. They further deposed that at the time of execution of the Will, the testator Ms.Subbulakshmi was in a sound state of mind and in good health. Paper publication has been effected and the learned Master did not receive any objections regarding the same

4. After perusing the affidavit of P.W.1, P.W.2 and P.W.3 and the fact that the Will being a registered Will, I find 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



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Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court. The petitioners are further directed to file an inventory of assets and statement of accounts within a period of one year.

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

Petitioner's witness:

P.W.1 – Mr.K.Satheeshkumar

P.W.2 - Mrs.K.Krishna Prabha

P.W.3 - Mr.V.N.Umapathy

Documents marked:

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Certified copy of the sale deed dated 02.05.1994 executed in favour of Ms.Subbulakshmi (Compared with the original)	P1
2	Certified of the made over document dated 02.05.1994 executed by Mrs.Pappathiammal in favour of Ms.Subbulakshmi transferring the lease of the property (Compared with the original)	P2
3	Original registered Will and Testament dated	P3



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<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
	30.05.2007 executed by Ms.Subbulakshmi	
4	Computer generated death certificate of Ms.Subbulakshmi	P4
5	Photocopy of the PAN Card (P.W.1) (Compared with the original)	P5
6	Affidavits of Assets showing the net value of the estate as Rs.74,35,500/-	P6
7	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 23.05.2024	P7
8	Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 07.06.2024	P8
9	Affidavit under Section 65B of the Indian Evidence Act, 1872	P9
10	Affidavit of P.W.2	P10
11	Affidavit of P.W.3	P11

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RMT. TEEKAA RAMAN, J.

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