



WEB COPY



O.P. No.724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.10.2024**

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P. No.724 of 2023

Mr.Sadanand Menon

...

Petitioner

Vs

Bipin P. Patel

...

Respondent

PRAYER: Original Petition filed under Section 232 and 276 of the Indian Succession Act 1925 r/w Order XXV Rule 5 of the Original Side Rules for issuance of letters of administration with the Will annexed.

For Petitioner : Mr.V.Ramesh
Mr.T.Thiyagarajan

ORDER

This petition has been filed under Section 232 and 276 of the Indian Succession Act 1925 r/w Order XXV Rule 5 of the Original Side Rules for issuance of letters of administration in the matter of last Will and Testament



O.P. No.724 of 2023

of Ms.Chandralekha (deceased).

WEB COPY

2. The deceased Ms.Chandralekha, daughter of Patel Prabhudas died on 30.12.2006 at her ordinary residence at No.1 Elliots Beach Road, Beach Road, Besant Nagar, Chennai – 600 090 leaving behind a final and last unregistered Will dated 07.07.2002. The deceased Chandralekha was allotted plot of land vide G.O.Ms.No.5826 ILC dated 23.12.1964 by the Government of Tamil Nadu which sanctioned and approved an improvement scheme commonly known as South Madras Neighborhood Scheme. The deceased was allotted the schedule mentioned property on 20.08.1965 and lease-cum-sale agreement was entered into by the purchaser. After complying with the terms and conditions of the Lease cum Sale Agreement, the deceased purchased the schedule property being land measuring 18 grounds 278 sq.ft. comprised in R.S.No.17 part Urur Village vide Sale Deed dated 30.06.1973 bearing Document No.3946 of 1973 at the Office of the Joint Sub-Registrar-I, Saidapet, Madras.

3. The deceased Chandralekha with Mr.Sadanand Menon and Dashratbhai Gordhanabhai Patel formed a Public Charitable Trust



on

WEB COPY



O.P. No.724 of 2023



O.P. No.724 of 2023

18.11.2000 in the name “SPACES” in various fields having its registered office at No.1, Elliots Beach Road, Besant Nagar, Chennai – 600 090.

4. The deceased Chandralekha had executed her Last Will on June 2002 which was signed on 07.07.2002. The Will has been attested by two witnesses namely Mr.Padmanabhan and Dr.Shivaram Bharadwaj. One of the attesting witness Mr.Padmanabhan died on 11.12.2012 and the other attesting witness. Dr.Shivaram has filed an affidavit to the effect that the Will was executed by the deceased Chandralekha and the same was attested by two witness in the presence of the testator and in the presence of each other. As per the Will, the petitioner is the beneficiary to the property more fully described in the schedule hereunder and no executor has been appointed under this Will. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate the sum of Rs.8,00,000/- and the net amount of said assets after deducting all items which the petitioner is by law allowed to deduct is only the value of Rs.8,00,00,000/-.



O.P. No.724 of 2023

WEB COPY

5. Now in this petition, the petitioner seeks Letter of Administration with the Will annexed and also undertakes to administer the property and render true accounts of the said property to this Court.

6. The petitioner examined himself as PW1 and marked Exs.P1 to P5. One of the attestor of the Will viz. Dr.V.Shivaram Bharadwaj was examined as PW2 ad Exs.P6 & P7 were marked through him.

7. Taking into consideration the documents available on record and the consent affidavit filed by the sole respondent even at the time of admission and also taking note of the evidence of PW2 regarding the physical condition and mental health of the testatrix at the time of execution of the Will, I find that necessary ingredients for proof of the Will has been made out and the same was proved in the manner known to law. Accordingly, this Original Petition stands allowed and Letters of Administration to be issued in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioner is directed to execute a security bond for a sum of Rs.25,000/-



O.P. No.724 of 2023

(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 six months
and one year, respectively.

30.10.2024

Index :Yes/No
rgr

APPENDIX

Petitioner's witness:

P.W.1 – Mr.Sadanand Menon
P.W.2 – Dr.V.Shivaram Bharadwaj

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Original Will dated 07.07.2002 executed by Ms.Chandralekha
P2	Photocopy of the sale deed dated 30.06.1973 executed in favour of Ms.Chandralekha (compared with the original)
P3	Original death certificate of Ms.Chandralekha
P4	Affidavit of assets showing the net value of the estate as Rs.8,00,00,000/-
P5	Photocopy of the Aadhar Card of Mr.Sadanand Menon (compared with the original)
P6	Affidavit of attesting witness Dr.V.Shivaram Bharadwaj
P7	Photocopy of the Aadhar Card of Dr.V.Shivaram Bharadwaj (compared with the original)



rgr
WEB COPY



O.P. No.724 of 2023

30.10.2024



WEB COPY



O.P. No.724 of 2023

RMT.TEEKAA RAMAN, J.

rgr

O.P. No.724 of 2023

30.10.2024