



O.P.No.23 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :24.01.2025

Pronounced on :29.01.2025

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.23 of 2024

Dr.R.Shyamala,(aged 81 years),
D/o T.R.RamanathanMudaliar,
No.109/59, Baracah Road,
Kilpauk, Chennai 600 010.

.. Petitioner

/versus/

1.Mr.T.R.Ramanathan(aged 52 years),
S/o T.R.Rajarathinam,
No.110/59, Baracah Road,
Kilpauk, Chennai 600 010.

2.Mr.T.R.Hari(aged 84 years),
S/o T.R.RamanathaMudaliar,
Sakthi Apartments,
Plot No.2031, 13th Main Road,
Anna Nagar West,
Chennai 600 040.

3.Mr.Ramakrishnan(aged 75 years),
S/o T.R.RamanthaMudaliar,



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No.63/1, Baracah Road,
Kilpauk, Chennai 600 010.

4. Mrs.KasturiSubramanyam(aged 86 years),
W/o Subramanyam,
No.109/59, Baracah Road,
Kilpauk, Chennai 600 010.

5.Mrs.LakshmiIniyasivam(aged 82 years),
W/o Iniyasivam,
No.36/125, 9th Street,
A.K.Swamy Nagar,
Kilpauk, Chennai 600 010.

6.Mrs.Manjula (aged 72 years),
W.oRajarathinam,
No.110/59A, Baracah Road,
Kilpauk, Chennai 600 010.

7.Mrs.Yedugiri(aged 50 years),
D/o T.R.Rajarathinam,
No.110/59A, Baracah Road,
Kilpauk, Chennai 600 010.

.. Respondents

Original Petition has been filed under Section 232 and 276 of Indian Succession Act (act XXXIX of 1925) praying to grant Letters of Administration to the Will annexed to the petition as the sister/beneficiary under the Will of the said deceased Dr.R.Indira having effect throughout the State of Tamil Nadu.



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For Petitioner :Mr.J.Baranidharan
For R1 & R2 :Mr.K.Ranjith for
Mr.J.Chandran Sundhar Sashi Kumar

ORDER

Dr.R.Indira, D/o late T.R.Ramanathan Mudaliar, ordinarily residing at Chennai, died on 26.07.2022. The said Dr.R.Indira during her life time, purchased the petition mentioned property from out of her earnings and she was in possession and enjoyment of the same till her death. In respect of the property, the said Dr.R.Indira, executed an unregistered Will dated 22.06.2022 in the presence of witnesses. In the said Will, she had bequeathed her property to her sister Dr.Shyamala, the petitioner herein and the respondents 1 to 4. The first respondent is the son of deceased testatrix's brother Rajarathinam. The respondents 2 and 3 are the brothers of the testatrix. The 4th and 5th respondents are the sisters of the testatrix. Since the deceased Dr.R.Indira did not get married, her brothers and sisters are entitled to succeed her property under Section 15 of the Hindu Succession



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Act. Since no executor has been appointed under the Will, Letters of Administration is sought by the petitioner on behalf of all the beneficiaries. An undertaking is given by the petitioner that she will duly administer the property and credits of the said Dr.R.Indira, as per the wish of the deceased, Dr.R.Indira; after first paying her debts, if any, and make a full and true inventory of the estate of the late testatrix, within six months from the date of grant of Letters of Administration and will render true account of the property within one year from the date of grant of Letters of Administration.

2. The petitioner has filed proof affidavit in lieu of chief examination. Eight documents were marked through the petitioner (PW-1). In the cross examination, the legal heir certificate of late Dr.R.Indira along with certificate under Section 65-B of the Indian Evidence Act, 1872 was marked as Ex.R1. One of the attesting witness by name Mr.P.Mohan Babu, who was working as a Driver to Dr.R.Indira/testatrix was examined as PW-2. He has identified the signature of testatrix and his signature found in Ex.P1,Will. He has deposed that at the time of executing the Will,



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Dr.R.India, was in a sound, disposing state of mind, memory and understanding. The second attesting witness Ms.T.Christophy Jeykumari, was examined as PW-3. She had deposed that at the time of executing the Will, Mr.R.Rathnaswami and Ms.P.Mohan Babu, who are the other attesting witnesses were present and affixed their signature in the presence of Indira affixed her signature in the Will Ex.P1 in a sound disposing state of mind and memory.

3. The perusal of the Will Ex.P1, indicates that three witnesses have signed and two were examined as PW-2 and PW-3. The first attesting witnesses Rathnaswami died on 15.03.2024. The parents of Indira predeceased her and the same is proved through the death certificate of Ramanathan (father of the testatrix) and the death certificate of R.Abirami Ammal (mother of the testatrix), which are marked as Ex.P3 and Ex.P4 respectively. The death of Indira on 26.07.2022 is proved through her death certificate, which is marked as Ex.P2 as stated above, the testatrix Indira died unmarried and she was born to Ramanathan and Abirami Ammal and



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she had three brothers and three sisters. In her Will, Indira has bequeathed the schedule mentioned property to his younger brother Mr..R.Ramanatha Mudaliar, S/o T.R.Rajarathinam. T.R.Rai and T.R.Ramakrishnan younger brothers and two sisters Mrs.Kasturi Subramanyam and Mrs.Lakshmi Iniyasivam and the petitioner Shyamala. She has given the property to all the four persons shared equally. She has specifically mentioned the reasons for why she has not executed one of her sister. The legal heir certificate of Indira marked as Ex.R1. During the cross examination of PW-1, it reveals that out of three sisters and three brothers, one of the brothers Rajarathinam predeceased the testatrix Indira and one of the surviving sister who is the petitioner and rest of the siblings are arrayed as respondents. The legal heirs of the predeceased brother Rajarathinam are arrayed as respondents 6 and 7.

4. From the evidence it is clear that Indira Doctor by profession had acquired the schedule property out of her earnings and she has bequeathed it under the Will marked as Ex.P1. One of the beneficiary has come forward



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to file the application for grant of Letters of Administration. The rest of the beneficiaries are the legatians have not raised any objection. The paper publication inviting objection marked as Ex.P7 and Ex.P8. There is no objection received from any quarters pursuant to the paper publication.

5. In the light of the above facts, this Original Petition is allowed with the following conditions:-

(i) Letters of Administration to be issued in accordance with Rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu.

(ii) The petitioner is 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-II) of this Court.

(iii) 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.

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Petitioner's witness:-

PW-1 :Dr.R.Shyamala
PW-2 :Mr.P.Mohan Babu
PW-3 :Ms.T.Christophy

Documents marked:-

Exhibit	Details
Ex.P1	Original Will dated 22.06.2022 executed by Dr.R.Indira.
Ex.P2	Computer generated death certificate of Ms.R.Indira along with Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P3	Original death certificate of Mr.T.R.Ramanatha Mudaliar.
Ex.P4	Computer generated death certificate of Ms.R.Abirami Ammal along with Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P5	Original legal heir certificate of Mr.T.R.Ramanathamudaliar.
Ex.P6	Affidavit of assets showing the net value of the estate as Rs.2,40,000/-.
Ex.P7	Paper publication effect in one issue of Tamil Daily "makal Kural" dated 25.09.2024.
Ex.P8	Paper publication effected in one issue of English daily "Trinity Mirror" dated 05.10.2024.
Ex.P9	PW-2's affidavit as attesting witness in this regard.
Ex.P10	Photocopy of PW-2's Aadhar card
Ex.P11	Pw-3's affidavit as attesting witness in this regard.
Ex.P12	Photocopy of PW-3's Aadhar card.

Respondents' witness:-

Nil

Documents marked:

Ex.R1 :The legal heir certificate of Ms.Indira along with 65 certificate under Section 65B of the Indian Evidence Act, 1872.

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DR.G.JAYACHANDRAN,J.

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delivery Order made in
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