



O.P.No.526 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.01.2025

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

O.P.No.526 of 2023

1.Mr.R.S.Lakshmi Narayanan
2.Mr.R.S.Krishnan

.. Petitioners

/versus/

1.Mr.R.S.Krishnan
2.Mrs.Meenamani
3.Mrs.P.S.Jayalakshmi
4.Mrs.Shanthi
5.Mrs.R.S.Jothi
6.Mrs.Ammami Ammal
7.Mr.R.Rajan

.. Respondents

Original Petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 and under Order XXV, Rule 5 of Original Side Rules praying that the Letters of Administration with the Will annexed may be granted to the petitioners 1 and 2 as the brother's sons under the Will of late Mr.K.Narayanan deceased having effect limited to the State of Tamil Nadu and thereby render justice.



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For Petitioners :Mr.M.Stalin

For R1 to R7 :Mr.D.Saravanan

ORDER

Mr.K.Narayanan, who died on 08.12.2015 at Chennai. During his life time, he executed a Will dated 10.05.2010 and nominated one Mr.Rajan, 7th respondent as Executor. The said Will was duly registered at Sub Registrar Office, Purasaiwalkam in the presence of the witnesses. As per the Will, he bequeathed his property to his predeceased younger brother, K.Sivaramakrishnan two sons namely, R.S.Lakshmi Narayanan (first petitioner herein) and Mr.R.S.Krishnan (second petitioner herein). The testator Narayanan was wedded to Mrs.C.L.Thangam Narayanan, who died on 14.01.2016 and that had no issues. Thus, the legatees of late Narayanan appears to be the petitioners and respondents 1 to 6. Since the testator had two brothers and one sister, out of which the brothers were pre-deceased and his sister (Mrs.Ammamani Ammal) is made as 6th respondent.



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2. To prove the Will, the second petitioner Mr.R.S.Krishnan mounted the witness box and marked as Ex.P1 to Ex.P12. One of the attesting witness by name Mr.A.Chandran was examined as PW-2 and he has identified the signature of the testator and deposed that the testator while affixing his signature in the present Will was in a sound state of mind and in good health. The affidavit of attesting witness was marked as Ex.P13. To prove the identity of the attesting witness(PW-2), the photocopy of Aadhar card of was marked as Ex.P14.

3. The recital of the Will, which is marked as Ex.P1 indicates that two properties owned by the testator have been bequeathed to the petitioners 1 and 2 under schedule II and III respectively. The respondents have given their consent by filing consent affidavit. The due execution of the Will is proved by the factum of the registration and the testimony of PW-2, who is the one of the attesting witness, as required under Section 67 of Bharatiya Sakshya Adhiniyam, 2023.



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4. In the light of the above fact, this Original Petition is allowed with the following conditions:

(i) 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.

(ii)The petitioners are directed to jointly 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 petitioners are further directed to file a true inventory of assets and statement of accounts within a period of six months and one year respectively.

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Petitioners' witnesses:

PW-1 :Mr.R.S.Krishnan

PW-2 :Mr.A.Chandran



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Documents marked:

<i>Exhibits</i>	<i>Details</i>
Ex.P1	Original registered Will dated 10.05.2010 executed by Mr.K.Narayanan.
Ex.P2	Computer generated death certificate of Mr.K.Narayanan
Ex.P3	Computer generated death certificate of Mrs.C.L.Thangam Narayanan.
Ex.P4	Original death certificate of Mr.K.Sivaramakrishnan
Ex.P5	Original legal heirship certificate of Mr.K.Sivaramakrishnan @ K.S.R.Krishan
Ex.P6	Computer generated death certificate of Mr.Mani Iyer.
Ex.P7	Photocopy of the legal heirship certificate of Mr.K.S.Mani Iyer.
Ex.P8	Photocopy of PW-1 aadhar card.
Ex.P9	Certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P10	Affidavit of assets showing the net value of the estate as Rs.1,25,00,000/-.
Ex.P11	Copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 09.09.2024.
Ex.P12	Copy of the paper publication effected in one issue of English daily "Trinity Mirror" dated 17.09.2024.
Ex.P13	PW-2's affidavit as attesting witness
Ex.P14	Photocopy of PW-2's Aadhaar card.

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