

S.Rajagopalan vs / on 21 January, 2025

Author: G.Jayachandran

Bench: G.Jayachandran

O.P.N

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2025

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.18 of 2024

1.S.Rajagopalan
2.S.Ramadoss
3.S.Nagarajan
4.S.Thiagarajan

.. Petitioners

/versus/

1.Mrs..Rajalakshmi
2.Mrs.Sugantha
3.Mrs.Usha
4.S.Seetharaman
5.Mrs.Sudha
6.S.Rajan

.. Respondents

Prayer: Original Petition has been filed under Sections 232, 276 of the Indian Succession Act of 1925 read with Order XXV, Rule the Original Side Rules praying that Letters of Administration with annexed may be granted to the petitioners as the brothers-in-law, l under the Will having effect throughout the State of Tamil Nadu.

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<https://www.mhc.tn.gov.in/judis>

For Petitioners :Mr.V.Manohar

ORDER

This Original Petition for grant of Letters of Administration in respect of the Last Will and Testament of T.Bhavani filed by the petitioners, who are the brothers of the deceased husband of the testatrix Mrs.T.Bhavani. The suit schedule property was acquired by the testatrix's husband out of his earnings and on his demise, the property absolutely devolved on the testatrix Bhavani, since they had no issues. During her life time, Mrs.T.Bhavani had executed a Will, dated 04.04.2017 bequeathing the property in favour of the petitioners, who are the brothers of the deceased husband of the testatrix Mrs.T.Bhavani. The respondents 1 to 3 are the sisters of the deceased husband of the testatrix Mrs.T.Bhavani and Respondents 4 to 6 are the husband, daughter and son of one Mrs.Nagalakshmi, who is the another sister-in-law of the deceased T.Bhavani and had predeceased the testatrix's husband S.Balakrishnan. The late Balakrishnan had four brothers and four sisters. All the respondents have given their consent for grant of Letters of <https://www.mhc.tn.gov.in/judis> Administration in favour of the petitioners.

2. To prove the Will, the second attestator of the Will Mrs.S.Prabha has been examined as PW-2 and she has deposed about the execution of the Will; about her sound state of mind; good health at the time of execution of the Will and through her, Affidavit and Aadhaar card of PW-2 were marked as Ex.P12 and Ex.P13 respectively. The first petitioner Rajagopalan was examined as PW-1. Through him, the following 11 exhibits were marked.

Exhibits	Details
Ex.P1	Original Will dated 04.04.2017 executed by
Ex.P2	Photocopy of the legal heirship Mr.Balakrishnan.
Ex.P3	Photocopy of the legal heirship Mr.Balakrishnan.
Ex.P4	Photocopy of the legal heirship Mr.V.Srinivasan.
Ex.P5	Computer generated death certificate of Mrs
Ex.P6	Photocopy of the sale deed dated 22.02.1996 favour of Mr.S.Balakrishnan.
Ex.P7	Affidavit of assets showing the net value o Rs.39,98,500/- .
Ex.P8	Photocopy of PW-1's Aadhaar Card.
Ex.P9	Certificate under Section 65B of the Indian 1872.
Ex.P10	Copy of the paper publication effected in o

<https://www.mhc.tn.gov.in/judis>

Exhibits	Details
Ex.P11	Daily "Makkal Kural" dated 28.09.2024. Copy of the paper publication effected in o

English Daily "Trinity Mirror" dated 06.10.2024.

3. The last Will of Bhavani marked as Ex.P1 been duly proved as per the provision of Bharatiya Sakshya Adhiniyam by examining one of the attesting witnesses. The ownership of the property is traced from Ex.P6 the sale deed executed in favour of S.Balakrishnan, the husband of testatrix Bhavani, on the death of S.Balakrishnan. The death of S.Balakrishnan was on 20.11.2022. The sole legal heir Bhavani has inherited the property and during her lifetime, she had executed the Will on 04.04.2017. The Will has taken effect on the death of Bhavani on 26.06.2022. Thus, the ownership of the property; the competency of the testatrix who executed the Will in respect of the property; and due execution of the property, been proved through evidence.

As a result,

(i) This Original Petition is allowed and Letters of Administration to <https://www.mhc.tn.gov.in/judis> be issued in accordance with Rules. Such Letters of Administration shall have effect throughout the State of Tamil Nadu.

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

21.01.2025 Index:yes/no ari Petitioners' witness:-

PW-1 :Mr.S.Rajagopalan PW-2:Mrs.Prabha <https://www.mhc.tn.gov.in/judis>
Documents marked:-

Ex.P1 Original Will dated 04.04.2017 executed by Mrs.T.Bhavani. Ex.P2 Photocopy of the legal heirship certificate of Mr.Balakrishnan. Ex.P3 Photocopy of the legal heirship certificate of Mr.Balakrishnan. Ex.P4 Photocopy of the legal heirship certificate of Mr.V.Srinivasan. Ex.P5 Computer generated death certificate of Mrs.T.Bhavani. Ex.P6 Photocopy of the sale deed dated 22.02.1996 executed in favour of Mr.S.Balakrishnan.

Ex.P7 Affidavit of assets showing the net value of the estate as Rs.39,98,500/-

Ex.P8	Photocopy of PW-1's Aadhaar Card.
Ex.P9	Certificate under Section 65B of the Indian Evidence Act.
Ex.P10	Copy of the paper publication effected in one issue of "Makkal Kural" dated 28.09.2024.
Ex.P11	Copy of the paper publication effected in one issue of "Trinity Mirror" dated 06.10.2024.
Ex.P12	Affidavit of Attesting witness PW-2.
Ex.P13	Photocopy of PW-2 Aadhaar Card.

DR.G.JAYAC

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