

**R.O.NELLORE,**

**Present : Sri P. Narendra Rao**

Procs.Will Enquiry No. 04 /2012

Dated : 23-11-2012

Sub: Will Deed executed by Late Sri Nandigam Subrahmanyam S/o Subbaramaiah R/o Cheruvukommu Palem, Ongole Mandal, Prakasham District – Enquiry Conducted – Orders issued.

Ref: Petition dt.19.07.2012 of Sri Nandigam Koteswar Rao S/o Late Subramanyam.

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**ORDER :**

Through the ref. cited Sri Nandigam Koteswara Rao S/o Late Subramanyam, R/o D.No. 26-1-668 Shivalayam Street, Bhakthavathsala Nagar, Nellore City while stating that his father by name Late Sri Nandigam Subrahmanyam S/o Subbaramaiah R/o Cheruvukommu Palem, Ongole Mandal Prakasham District executed a Will Deed on 30.3.2001 wishing that his property should be devolved after his demise in favour of his wife, (3) sons and (2) daughters and expired on 14.4.2001 without getting it registered during his life time and that it has come to light recently that a will deed was found lying in the almirah of his father at the time of shifting of a rented house to another rented house. He has also stated that Sri Sarvepalli Venkateswarlu S/o Late Subbaiah R/o Lingabalija Veedhi, Nawabpet, Nellore City and Sri Nagichetti Venkateswarlu S/o Late Chinna Ramanaiah R/o D.No. 23/824, Ravichettu Centre, Fathekhanpeta, Nellore City appears to have put their signatures as attesting witnesses (1) and (2) respectively and requested to register the Will Deed as per rules in vogue. He has enclosed the death certificate dt. 30.4.2001 issued by the Panchayath Secretary, Cheruvukommupalem, Ongole Mandal of Prakasham District and Family Members Certificate dt. 22.6.2012 issued by Tahsildar, Ongole Mandal, Prakasham District.

Whereas Sri Nandigam Koteswara Rao S/o Late Subrahmanyam was asked to get the notices published in two daily news papers and the copies of the daily news papers be furnished to this office for taking further action.

Notices were also furnished to the Municipal Commissioner of Nellore, Tahsildar, Nellore and Municipal Commissioner, Ongole and Tahasildar Ongole, for affixing the same in a prominent place i.e, in the notice boards. The notices were published in Eenadu and Saakshi daily Telugu news papers dt. 18.8.2012.

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According to Section 40 of Registration Act, the testator, or after his/her death any person claiming as executor or otherwise under a Will may present it to any registrar or Sub-Registrar for registration. Sri Nandigam Koteswara Rao S/o Late Subrahmanyam is entitled to present the document under the said Section and it was accepted for registration under section 40 after the death of the testator which was proved by producing death certificate issued by the competent authority.

The Will Enquiry was conducted in accordance with the procedure enunciated in Registration Rule 71. Accordingly, notices were pasted in the conspicuous places in which the schedule property is situated and the notices were published in the daily Telugu news papers 'Eenadu' and "Saakshi" of Nellore and Ongole Editions.

The Will Deed was presented on 19.07.2012 for registration by Sri Nandigam Koteswara Rao S/o Late Subrahmanyam and there is no delay in conducting the Will Enquiry.

The death of the testator, Late Sri Nandigam Subrahmanyam S/o Subbaramaiah R/o Cheruvukommu Palem, Ongole Mandal, Prakasham District was proved by the petitioner duly producing the death certificate issued on 30.4.2001 by the competent authority.

The Will under enquiry was scribed one and contains three sheets. The executant has affixed his signature in English on each sheet. There are no corrections or interlineations in the Will Deed. In the Will Deed the testator has stated that he is having a wife by name Smt. Mahalakshamma (3) sons by name Sri Koteswara Rao, Nageswara Rao and Ramakrishna Rao and (2) daughters by name Smt. Rajeswaramma and Smt. Ramadevi and he along with his wife got the marriages of their sons and daughters as per their rites and rituals and they are leading happy and peaceful life and that after his demise the properties mentioned in the schedule of the properties shall be devolved on the on his (3) sons the details of which are as follows:

#### SCHEDULE-A

ITEM-I. shall be devolved on Sri Nandigam Koteswara Rao

The land of 100.44 sq.yds in patta No. 44 Sy.No.132/15 out of 0.14 cents out of western side 0.07 cents situated in Cheruvukommupalem village and Ongole Mandal together with a tiled house bearing Old D.No.145 equivalent to New D.No. 1-137 consisting of 144 sq.ft including all fixtures, furniture and all other amenities.

ITEM-II. Shall be devolved on Sri Nandigam Nageswara Rao

The land of 100.44 sq.yds in patta no. 44 Sy.No.132/15 out of 0.14 cents out of western side 0.07 cents situated in Cheruvukommupalem village and Ongole Mandal together with a tiled house bearing Old D.No.145 equivalent to New D.No. 1-137 consisting of 504 sq.ft including all fixtures, furniture and all other amenities.

ITEM-III. Shall be devolved on Sri Nandigam Ramakrishna Rao

The land of 105.44 sq.yds in patta no. 44 Sy.No.132/15 out of 0.14 cents out of western side 0.07 cents situated in Cheruvukommupalem village and Ongole Mandal together with a tiled house bearing Old D.No.145 equivalent to New D.No. 1-137 consisting of 144 sq.ft including all fixtures, furniture and all other amenities.

Patta was granted in the year 1970 by the Government vide Patta No. H382813 and Pattadar Pass Book and Title Deed were granted in his favour in respect of the schedule-B property admeasuring an extent of Ac.1.01 cents in Sy.No.193/2 situated at Cheruvukommupalem village of Ongole Mandal, Prakasham District and the said property shall be devolved on his (3) sons with joint equal rights and provide good maintenance, care and caress to his wife without causing any inconvenience to her and after his demise each Rs. 50,000/- shall be given to his (2) daughters by his (3) sons with equal shares.

In his deposition dt. 19.7.2012 Sri Nandigam Koteswara Rao S/o Late Subrahmanyam stated that his father executed a will deed dt. 30.3.2001 and expired on 14.04.2001 without getting it registered, that it has come to light recently that a will deed was found lying in the almarah and that it was presented for registration after conducting will enquiry and the signatures appearing in the will deed were affixed by his father and as such he has no objection with regard to the registration of the will deed. When cross examined, he has stated that the will deed in question was got prepared by his father and retrieved from the computer and attested by (2) witnesses by name Sri S.Venkateshwarlu and Sri N.Venkateshwarlu.

In his deposition dt. 19.7.2012 Sri Sarvepally Venkateshwarlu S/o Late Venkatasubbaiah stated that Sri Nandigam Subrahmanyam was the husband of his paternal aunty and as such he was his uncle and to known him from his childhood, on 30.3.2001 he got a will deed printed from the computer and read over by him in his presence and affixed his signature and that he has put his signature as first attesting witness and he has no objection in this regard. When cross examined, he has stated that Late Subramanyam gone through all the contents of the will and affixed his signature in his presence, that the will deed was got printed through computer by Sri Nandigam Subrahmanyam himself and that at the time of drafting the will deed he was in good health.

In his deposition dt. 19.7.2012 Sri Nagichetti Venkateshwarlu S/o Late Chinna Ramanaiah stated that as Sri Koteswara Rao S/o Late Subramanyam happens to be a friend from 1990 onwards Sri Nandigam Subrahmanyam was known to him, that on 30.3.2001 the said Subrahmanyam got a will printed from the computer and when he went to his house as his son was a friend and the said Subrahmanyam gone through the contents of the will deed and affixed his signature on the will deed in his presence and he has affixed his signature as second attesting witness and he has no objection in this regard. When cross examined, he has stated that Late Subrahmanyam gone through all the contents of the will and affixed his signature in his presence, that the will deed was got printed through computer by Sri Nandigam Subrahmanyam himself and that at the time of drafting the will deed he was in good health.

In her deposition dt.24-08-2012 Smt. Nandigam Mahalakshamma stated that, she believes that the will deed shown to her was drafted and signed by her husband, Sri Nandigam Subrahmanyam and she has no objection in this regard.

In their depositions dt. 24.8.2012 Sri Nandigam Nageswara Rao and Sri Nandigam Ramakrishna Rao stated that they are the second son and third son of late N.Subrahmanyam and that they believe that the Pending Doct.No. 65/2012 is a Will deed which was presented in Registrar Office, Nellore shown to them was drafted and executed by their father by name Sri Nandigam Subrahmanyam and they have no objection in this regard.

In their depositions dt. 24.8.2012 Smt. Mahankali Rajeshwaramma and Smt. Sanduri Rama Devi S/o Srinivasulu stated that they are eldest daughter and second daughter respectively of Late N.Subrahmanyam and they believe that the Pending Doct.No. 65/2012 is a Will deed which was presented in Registrar Office, Nellore shown to them was drafted and executed by their father by name Sri Nandigam Subrahmanyam and they have no objection in this regard.

The Will deed was executed on 30.3.2001 which was presented for registration on 19.7.2012. The testator by name Sri Nandigam Subrahmanyam S/o N.Subbaramaiah expired on 14.4.2001. Though there is a considerable delay in presenting the Will deed for registration the condition in which it was not presented for registration without any delay can be understood in that the execution and keeping the will deed in a wooden almirah came to light recently when the almirah was searched after the death of late Subrahmanyam. In addition, as the presentant or for that matter the legal heirs of late Subrahmanyam were not acquainted with the procedure to be followed in respect of the un-registered will deed the will deed was accepted for enquiry. No objections were received from anybody.

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Having satisfied with the presentation of the Will for registration which was in accordance with Section 41(2) of Registration Act, 1908 and in view of the fact that the will deed was executed by the testator, that the testator was dead and that the person to present the will is, under Section 40, entitled to present the same and therefore the will under enquiry is registered as Doct.No.502 /2012 of Book-III of R.O. Nellore.

The judgment is pronounced in the open court on this the 23rd day of November, 2012 at R.O. Nellore.

**Joint Sub-Registrar-I,  
R.O. Nellore.**

Copy to :

- 1.Sri N.Koteswara Rao  
s/o Late Subrahmanyam  
R/o D.No. 26-14-29,  
Sivalayam, Near Leprosy Hospital  
B.V.Nagar,Nellore City.
- 2.The District Registrar,Nellore.
- 3.File.
- 4.Spare copy