

O.P. No.21 of 2014

K.RAVICHANDRABAABU,J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration with the Will annexed in respect of the deceased B.G.Kesavalu.

2. Heard the learned counsel appearing for the petitioner.

3. In the petition, it is stated that the deceased B.G.Kesavalu, died on 18.08.1985 at No. 35, State Bank Colony III Street, Chennai-600 092. It is further stated that the deceased has executed his last testament and Will dated 25.01.1978 registered as document No. 6/1978 in the office of Sub-Registrar, Theyagaraya Nagar in favour of the petitioner as well as the respondents. It is further stated that the deceased B.G.Keshavalu had given life interest in the above said Will to his wife Mrs. K.Lakshmi Bai and she was in enjoyment of her life interest over the property until she died intestate on 24.02.2008. It is further stated that the petitioner is the son of the deceased and the respondent Nos. 1 and 2 are the widow daughters of the deceased. It

is further submitted that the net amount of the assets in favour of the beneficiaries does not exceed in the aggregate sum of Rs.2,00,000/-. The petitioner undertakes to duly administer the property and credits of the late B.G.Kesavalu Naidu and in any way concerning the Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Letter of Administration to the petitioner. He further submitted that the petitioner had no knowledge of the Will until he opened a box belonging to his father and found the above said Will. Therefore, there is some delay in filing the said petition. He further submitted that the witnesses who have attested the Will are not found in their respective address. Hence, he filed a third party affidavit namely one Mr.Tarakaram who is one of their family member and relative. He further submitted that no application has been filed in any other Court for the probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to his property. Hence, the petition.

4. The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following

documents viz., Exhibit Nos. P.1 to P.8;

Ex.P.1-The original death certificate of deceased B.G.Kesavalu who died on 18.08.1985.

Ex.P.2 -The original registered Will dated 25.01.1978 executed by deceased B.G.Kesavalu, registered as Doc. No. 6 of 1978 before the SRO, Thyagaraya Nagar.

Ex.P.3 -The original Death Certificate of deceased K.Lakshmi Bai, who died on 24.02.2008.

Ex.P.4 -The Original Legal Heir certificate dated 16.02.2009 in respect of deceased K.Lakshmi Bai.

Ex.P.5 -Consent Affidavits given by the respondents.

Ex.P.6 -The Affidavit of the assets showing the net value of the property for Rs. 2,00,000/-.

Ex.P.7 -Copy of the paper publication effected in issue of Tamil Daily "Makkal Kural" dated 23.05.2014.

Ex.P.8- Copy of paper publication effected in one issue of English Daily "News Today" dated 31.05.2014.

5. Mr.P.Tharakaram, the brother-in-law of the petitioner was examined as P.W.2. He has stated that the testator executed his last Will and Testament on 21.01.1978 and identified the signatures of Mr.D.J.Ramachandaran, the tenant of the testator, who subscribed his signature as the second attesting witness. While executing the Will, the testator was in a sound and disposing state of mind, memory, understanding and in good health. He has filed his Affidavit vide Ex.P9.

6. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

7. Accordingly, this petition is ordered. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

06.10.2015

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