

Original Petition No.3 of 2014

R.SUBBIAH, J.,

This petition has been filed for grant of Letters of Administration under Sections 232 and 276 of the Indian Succession Act, in favour of the petitioner.

2 The case, in brief, is as follows:-

(i) The testatrix, viz., Smt.Vasantha Rao died on 30.05.1998 at Apollo Cancer and Neuro Hospital, Chennai and was then ordinarily residing at Flat No.6, I Floor, Old No.250, New No.294, Avvai Shanmugham Road (Llyods Road), Madras – 600 086. The said Smt.Vasantha Rao died leaving her last Will and testament dated 12.02.1992, registered as Document No.3 of 1992 on the file of the District Registrar of Madras Central. The father and husband of the testatrix pre-deceased and her mother died on 20.02.2006. The deceased died without any issues.

(ii) The deceased bequeathed the life interest to Mrs. Pramila wife of Ananda Rao and thereafter absolute interest to the children of Ms. Pramila viz., the petitioner and the 6th respondent herein in respect of the 'A' scheduled property mentioned in the testament. In respect of 'B' Schedule property, the testatrix bequeathed the property in the 'B' schedule to an extent of 2200 square feet to the mother of the deceased testatrix Sita Bai, wife of late Rama Rao as life interest and thereafter an extent of 1100 sq.ft jointly to Smt.Akhalya Kaushik wife of Koushik and sister of the testatrix and Harish Kaushik son of Akhalya Hausik, the 4th respondent herein.

Mrs.Akhalya Kaushik died intestate on 29.5.1988 and was survived by the respondents 4 and 5. Another portion of an extent of 1100 sq.ft in the 'B' scheduled property mentioned in the Will bequeathed to a relative of the testatrix viz., respondents 1, 2 and 3 respectively.

(iii) The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.1,20,30,000/- and the net amount of the said assets is Rs.1,20,29,000/-. The petitioner undertakes to duly administer the property and credits of the said deceased and to make a full and true inventory thereof and exhibit the same in this Court within six months from the grant of letters of administration. The respondents 1 to 6 have given their consent by way of an affidavit for the grant of the letters of Administration in favour of the petitioner.

3. The petitioner examined himself as P.W.1 and marked Exs.P.1 to P.13 viz.,

Ex.P.1	Original death certificate of deceased Vasantha Rao, who died on 30.5.1998
Ex.P.2	Original Registered Will dated 12.2.1992 executed by deceased Vasantha Rao, registered as Document No.3/1992 at Joint Sub Registrar, Madras Central
Ex.P.3	Computer generated death certificate of Pramila Ananda Rao, who died on 26.11.2009
Ex.P.4	Computer generated death certificate of M.N.Sita Bai who died on 20.2.2006
Ex.P.5	Consent affidavit of the first respondent.
Ex.P.6	Consent affidavit of the second respondent.
Ex.P.7	Consent affidavit of the third respondent.

Ex.P.8	Consent affidavit of the fourth respondent.
Ex.P.9	Consent affidavit of the fifth respondent.
Ex.P.10	Consent affidavit of the sixth respondent.
Ex.P.11	Affidavit of assets showing the net value of the estate for Rs.1,20,29,000/-.
Ex.P.12	Copy of the paper publication effected in one issue of Tamil daily Makkal Kural dated 9.11.2014
Ex.P.13	Copy of the paper publication effected in one issue of English daily 'Trinity Mirror' dated 17.11.2014

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

4. From the above evidence, both oral and documentary, the petitioner has proved his claim and he is entitled to the relief prayed for in this original petition.

5. The original petition is allowed with the following directions:-

(i) Letters of Administration is ordered to be issued in favour of the petitioner herein.

(ii) The petitioner is directed to execute a personal 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.104.

vj2

19.03.2015

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