

O.P.No.354 of 2014**R.SUBBIAH, J**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act, 39 of 1925 read with Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2. Heard the learned counsel appearing for the petitioners.

3. In the petition, it is stated that Testatrix Ms.Sundara Devi was ordinarily residing at No.15, Venkatarathnam Nagar Extension, Adyar, Chennai – 20 and died at No.1A, Manjulai 1st Main Road, Kalaimagal Nagar, Ekkatuthangal, Chennai – 97 on 18.01.2002. The petitioner is the son of the deceased. The deceased left immovable property at Plot No.36, Perumalpuram, Tirunelveli – 627 007 measuring about 3 grounds and she executed a Will on 07.12.1989 at Sub Registrar Office, Adyar, Chennai. The husband of the deceased pre-deceased her. By the said Will, no executor had been appointed. The amount of assets which are likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.10,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased

Sundara Devi and in any way concerning her Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letter of Administration to the petitioners. 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 her 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., Exs.P1 to P7;

Ex.P1 is the original death certificate of the deceased Sundara Devi, who died on 18.01.2002.

Ex.P2 is the original registered Will dated 07.12.1989 executed by the deceased, which was registered as Document No.77/1989 before the SRO, Adyar.

Ex.P3 is the photocopy of the legalheirship certificate dated 14.02.2002 in respect of the deceased.

Ex.P4 series are the consent affidavits given by the respondents.

Ex.P5 is the affidavit of assets showing the net value of the estate for Rs.9,80,000/-.

Ex.P6 is the copy of the paper publication effected in one issue of Tamil Daily Malai Sudar dated 14.11.2014.

Ex.P7 is the copy of the paper publication effected in one issue of English daily News Today dated 21.11.2014.

5.One of the attestors of the Will dated 07.12.1989 was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 07.12.1989 in his presence and in the presence of one N.Ravindran. At her request, P.W.2 subscribed his signature as second attesting witness along with N.Ravindran, who attested the Will as the first attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory, understanding and in good health. Ex.P.8 is his affidavit in this regard.

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.

02.02.2015

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