

O.P.No.622 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 petitioner.

3.In the petition, it is stated that the Testator N.Kesavan died issueless on 13.10.2013 at New No.64, Govindasamy Street, Perambur, Chennai - 11 and he was ordinarily residing in the said address. The deceased purchased the property situated at Plot No.292, D2 Type, Block No.1, Phase 2, Kodungaiyur, Chennai, comprised in Survey No.100/3B1 by a sale deed dated 11.02.2004 registered as Document No.1038 of 2004. The wife of the deceased is the sister of the petitioner and she pre-deceased her husband. The parents of the deceased also pre-deceased him. He executed his last Will and testament on 04.10.2012. The petitioner is the sister-in-law of the deceased and she only took care of the deceased till his death. Therefore, the deceased bequeathed his property in favour of the

petitioner and she is in possession and enjoyment of the said property. The amount of assets which is likely to come to the hands of the petitioner does not exceed in an aggregate sum of Rs.4,90,000/- and the net amount of the said assets, after deducting all items which the petitioner is by law allowed to deduct is only of the value of Rs.4,70,000/-. The petitioner undertakes to duly administer the property and credits of the deceased N.Kesavan 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 and exhibit the same to the Court within six months from the date of grant of Letter of Administration to the petitioner. 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 herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P6;

Ex.P.1	-	Original unregistered Will dated 04.10.2012 executed by the deceased N.Kesavan.
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- Ex.P.2 - Computer generated death certificate of the deceased N.Kesavan, who died on 13.10.2013.
- Ex.P.3 - Photocopy of the sale deed dated 11.02.2004 executed by one M.Natarajan in favour of the deceased N.Kesavan registered as Document No.1038/2004 before the SRO, Sembium.
- Ex.P.4 - Affidavit of assets showing the net value of the property for Rs.4,70,000/-.
- Ex.P.5 - Copy of the paper publication effected in one issue of Tamil Daily Makkal Kural dated 21.11.2014.
- Ex.P.6 - Copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 28.11.2014.

She has further stated that the Will-Ex.P.1 has been attested by two attesting witnesses viz., Mr.K.Thiyagarajan and Mr.M.Nanthakumar. The petitioner has not filed any other petition before any other Court seeking the same relief.

5. One of the attesting witnesses examined himself as P.W.2 and in his evidence, he has stated that the Testator executed his last Will and Testament on 04.10.2012 in the presence of P.W.2 and in the presence of K.Thiyagarajan. P.W.2 subscribed his signature as the second attesting witness along with K.Thiyagarajan, the first attesting witness. The Testator was in a sound and disposing state of mind,

memory and in good health at the time of execution of Ex.P.1 Will.

6.Considering the averments made in the petition and considering the affidavit filed by the petitioner 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.

30.01.2015

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