

O.P.No.21 of 2015**K.RAVICHANDRABAABU. J.,**

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

2. Heard the learned counsel appearing for the petitioner.

3. In the petition, it is stated that the petitioner is the brother of the deceased K. Natarajan. The said K. Natarajan died on 04.07.2001 at Chennai. His first wife pre-deceased him. The deceased Natarajan has no issues through his first wife and after her death, he married the first respondent herein. Through the second wife also the deceased K. Natarajan has no issues. The second respondent is the niece of the deceased K. Natarajan. The deceased purchased the subject matter property from and out of his own income, which is situated within the jurisdiction of this Court. He ordinarily resided at No.4/443 & 4/444, Judge's Colony, Kottivakkam, Chennai-600 041. The testator, namely, the brother of the petitioner, Late K. Natarajan executed a Will on 28.06.2001 in the presence of two Attesting Witnesses. The testator has not appointed

any Executor to execute the same. According to the Will, the testator bequeathed his properties in favour of the petitioner herein. The respondents are aware of the above facts and have given their consent affidavits. The petitioner undertakes to duly administer the subject matter property and credits of the deceased K. Natarajan and in any way concerning his 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 before this Court within six months from the date of grant of Letters of Administration to the petitioner and also to render to this Court true accounts of the said property and credits within one year from the said date. No application has been filed in any other Court for probate of the Will of the said deceased or for Letters of Administration with or without the Will annexed to the property. Hence, the present 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.P.1 to P.7;

" Ex.P1 is the certified copy of the Will dated 28.06.2001 executed by his deceased brother Mr.Justice Natarajan, which was registered as Doc.No.44 of 2001 before the District Registrar Office,

Chennai Central.

Ex.P.2 is the computer generated copy of the death certificate of his deceased brother Mr.Justice K. Natarajan, who died on 4.7.2001.

Ex.P.3 is the legal heir ship certificate dated 06.07.2001 in respect of his brother Mr.Justice K. Natarajan.

Ex.P.4 is the affidavit of assets showing the net value of the estate for Rs.2,00,000/-.

Ex.P.5 series (2 nos.) are the consent affidavits given by the respondents.

Ex.P.6 is copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 19.04.2015.

Ex.P.7 is the copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 29.04.2015.

5. One of the attestors to the Will was examined as P.W.2.

In his evidence, P.W.2 has stated that the testator executed his last Will

and testament on 28.06.2001 in his presence and in the presence of one Mr.R. Williams. At the request of the testator and in his presence, P.W.2 subscribed his signature as first attesting witness along with Mr.R.Williams, who attested the Will as the second attesting witness. While executing the Will, the testator was in a sound and disposing state of mind, memory and in good health. Ex.P.8 is PW.2's affidavit in this regard.

6. Considering the averments made in the petition and on perusing the material documents available on record, I am satisfied that the petitioner is entitled for 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 subject matter property and credits of the deceased. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once a year.

29.07.2015

Tr/

K.RAVICHANDRABAABU. J.,

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