

O.P.No.854 of 2013

K.RAVICHANDRABAABU.,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 with the Will annexed .

2. Heard the learned counsel appearing for the petitioner and the respondents.

3. In the petition, it is stated by the petitioners that the deceased S.Datchayani second wife of Gajapathy died as issueless on 11.11.2010. The petitioners are the grand daughters of the deceased through her step daughter Mrs. Rajalakshmi. It is stated that the deceased S.Datchayani had executed a Will dated 26.02.2010 and registered before the Sub Registrar Office at Pammal On 05.03.2010 in presence of witnesses. The petitioner further states that the respondents are also beneficiaries in the Will and the deceased S.Datchayani did not appoint any executor in the aforesaid Will. Therefore, the petitioner could not trace out the Original Will executed by their grand mother. Hence they have applied to the Registrar Office for the certified copy of the will and filed it along with

this petition. It is also stated that the testatrix handed over the original title deeds of the property and the the other documents to the petitioners. Therefore, they are in possession of the same till date. The net amount of the assets does not exceed in the aggregate sum of Rs.20,00,000/-.

4. The petitioners undertake to duly administer the property and credits of the deceased S.Datchayani and in any way concerning the 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 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.

5. The respondents have filed their respective consent affidavits stating that they have no objection to grant letters of administration with the Will annexed to the petitioners.

6. The petitioner, who examined herself as P.W.1, reiterated the

averments made in the petition and filed the following documents viz.,
Exhibit Nos.P.1 to P.5;

Ex.P.1-The Original Death Certificate of S.Datchayani, who died on 11.11.2010.

Ex.P.2 -The Certified Copy of the Will dated 26.02.2010 registered as Doc. No. 36 of 2010 at SRO, Pammal executed by deceased S.Datchayani.

Ex.P.3 -The affidavit of assets showing the net value of estate for Rs. 19,80,000/-.

Ex.P.4 -The copy of paper publication effected in one issue of English Daily "News Today" dated 21.02.2015.

Ex.P.5 -The copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 12.02.2015.

7. One of the attestors of the Will dated 26.02.2010 was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix Dhatchayani executed a registered will in favour of her granddaughters i.e. petitioner herein through her step daughter Mrs. Rajalakshmi.

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

9. Accordingly, this petition is ordered. Issue Letters of Administration with the Will annexed 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.

08.09.2015

K.RAVICHANDRABAABU.,J.

rms/vsg

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DATED: 08.09.2015