

Page numbers

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

DATED, THE 8th DAY OF MARCH 2016

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

O.P.NO.186 OF 2014

In the matter of Indian
Succession Act, XXXIX of
1925

and
In the matter of Last Will
and Testament of Annakili
Deceased

S.Kesavan,
S/o.Late.Somu,
No.8, Sundara Mudali Street
5th Lane,
Chennai 79

...Petitioner

This Original Petition praying that this Hon'ble
Court be pleased to grant Letters of Administration with
the WILL annexed to him as legatee sole beneficiary named
under the Will of the said deceased having effect limited
through out the State of Tamil Nadu

This Original Petition coming on this day before
this court for hearing the court made the following
order:

This is an original petition filed under Sections
232 and 276 of the Indian Succession Act for the grant of
Letters of Administration.

Page numbers

Tmt.Annakili, who died on 21.02.2007 at Chennai. She died as a spinster. She executed a Will on 29.03.2006. The Will was registered as Doc.No.10 of 2006 before the Sub-Registrar, Sembium. The petitioner was named as the sole beneficiary under the Will. No one has been appointed as the Executor of the Will.

3. The Testatrix was a party to the suit in O.S.No.3019 of 2004 filed by Mrs.Lakshmi, praying for a decree of declaration that she is the daughter of Thiru.K.Bangaru Chettiar, her brother. The suit in O.S.No.3019 of 2004 was dismissed on 11.08.2006 by the V Assistant City Civil Court, Chennai. The decree has become final. The petitioner has come up with this original petition for the grant of letters of administration.

4. The petitioner was examined as P.W.1. The following documents were marked through him:-

Exhibits	Documents
Ex.P1	Original death certificate of Annakili, who died on 21.02.2007
Ex.P2	Original Will executed by Annakili on 29.03.2006 registered as Doc.No.10 of 2006 at SRO, Sowcarpet
Ex.P3	Certified copy of the plaint in O.S.No.3019 of 2004 filed in City Civil Court, Chennai
Ex.P4	Affidavit of Assets showing the net value of the property for Rs.40,00,000/-

Page numbers

Exhibit s	Documents
Ex.P5 (Series 2 Nos)	Copies of Paper Publication effected in Tamil Daily "Malai Sudar" dated 16.10.2015 and English Daily "News Today" dated 24.10.2015

5. P.W.2 was examined to prove the Will. P.W.2 in his evidence confirmed that the Testatrix executed her last Will and Testament in a sound and disposing state of mind and that he along with other witness attested the Will the same time. The affidavit of P.W.2 was marked as Ex.P6

6. In view of the documents available on record, I am satisfied that the petitioner is entitled to the grant of letters of administration.

7. There shall be an order to issue Letters of Administration in favour of the petitioner. The petitioner is directed to execute a bond for a sum of Rs.25,000/- in favour of Assistant Registrar OS-II, High Court, Madras - 600 104, within the statutory period.

In the upshot, I allow the Original Petition.

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sd/.K.K.S.J

08.03.2016

//Certified to be a true copy//

Dated this the day of 2017.

R.s/25.04.2017

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