

O.P.No.507 of 2014**M.M.SUNDRESH, J.**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act 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 for the petitioner. Despite service of notice and the names of the respondents having been printed in the cause list, none appears for the respondents.

3.In the petition, it is stated that K.Adimoolam died on 07.05.2012 at No.65, Palani Amman Koil 6th Street, Triplicane, Chennai - 5. The deceased was ordinarily residing at the said address. The deceased was a bachelor and his parents predeceased him. The deceased executed his last Will and testament on 08.03.2010 and the same was registered as Document No.19 of 2010 in the office of the SRO, Adyar. The deceased left the property described in the schedule of the Will and bequeathed all his service benefits to the petitioner. No executor has been appointed in the Will. The deceased has five sisters and two of them died. The petitioner is the son of the sister of the deceased viz., the second respondent and the respondents are the

sisters of the deceased. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.4,52,593/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.4,52,593/-. The petitioner has impleaded the next to kin and other person interested as respondents. There is no next of kin or other person interested to be impleaded. The petitioner undertakes to duly administer the property and credits of the deceased K.Adimoolam 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 to the Court within six months from the date of grant of Letters 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 his property.

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 P10:

Ex.P1 is the computer generated copy of the death certificate of the petitioner's deceased maternal uncle K.Adhimoolam, who died on 07.05.2012.

Ex.P2 is the original registered Will and testament dated 08.03.2010 executed by the petitioner's deceased maternal uncle K.Adhimoolam, which was registered as Doc.No.19 of 2010 before the SRO, Adyar.

Ex.P3 is the office copy of the legal notice dated 29.10.2012 sent through the petitioner's counsel.

Ex.P4 is the original letter dated 02.11.2012 sent to the petitioner by the MGR Film Institute.

Ex.P5 is the original letter dated 24.11.2012 sent by the MGR Film Institute in respect of the death benefits of the petitioner's deceased uncle.

Ex.P6 is the computer generated copy of the death certificate of the petitioner's maternal aunt Chinnaponnu, who died on 02.07.2001.

Ex.P7 is the computer generated copy of the death certificate of the petitioner's deceased maternal aunt Irulayee, who died on 10.05.2013.

Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.4,52,593/-.

Ex.P9 is one copy of paper publication effected in one issue of English Daily Trinity Mirror dated 16.04.2016.

Ex.P10 is one copy of paper publication effected in one issue of Tamil Daily Makkal Kural dated 24.04.2016.

5.One of the attestors of the Will dated 08.03.2010 viz., J.V.Mohanakrishnan was examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 08.03.2010 in his presence and in the presence of one P.Mani. P.W.2 subscribed his signature as first attesting witness along with P.Mani, who attested the Will as the second attesting witnesses in the presence of the testator. While executing the Will, the testator was in a sound and disposing state of mind, memory and understanding and in good health. He was also one of the identifying witnesses at the time of registration of Ex.P2 Will. Ex.P11 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 allowed. 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.

25.10.2016

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