

O.P.No.539 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.In the petition, it is stated that the deceased Lakshmi Ammal died on 29.03.2006 at No.876, J.J.Nagar, Korukkupet, Chennai - 21 and she was ordinarily residing at the said address. The deceased executed her last Will and Testament dated 21.12.2001, bequeathing her property to the petitioner and no executor has been appointed in the Will. The deceased had no issues and therefore, she and her husband adopted the petitioner's father. The petitioner is the daughter of the foster son of the deceased. The first respondent is the mother of the petitioner and respondents 2 and 3 are the brothers of the petitioner. The husband of the deceased predeceased her. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.5,00,000/- 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.4,90,000/-. 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. There is no next of kith and kin or other persons interested to be impleaded. The petitioner undertakes to duly administer the property and credits of the deceased Lakshmi Ammal and in any way concerning her 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 and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioner and render true account of the said property and credits within one year from the said date.

3.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.P1 is the computer generated death certificate of the petitioner's paternal grandmother R.Lakshmiammal, who died on 29.03.2006.

Ex.P2 is the original Will executed by the petitioner's paternal grandmother Lakshmiammal on 21.12.2001 registered as Doc.No.115 of 2001 at SRO, Royapuram.

Ex.P3 is the computer generated death certificate of the petitioner's father M.Muniyandi, who died on 21.08.2011.

Ex.P4 is the photocopy of legal heirship certificate dated 09.01.2012 in respect of the petitioner's father M.Muniyandi.

Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.4,90,000/-.

Ex.P6 series are the copies of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 13.05.2016 and in one issue of English Daily 'Trinity Mirror' dated 23.05.2016.

4.One of the attestors of the Will dated 21.12.2001 viz., V.Sekar was examined as P.W.2. In his evidence, P.W.2 has stated that the testatrix executed her last Will and Testament on 21.12.2001 in his presence and in the presence of one I.Devaraj. P.W.2 subscribed his signature as second attesting witness along with I.Devaraj, who attested the Will as the first attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding and in good health. P.W.2 was also one of the identifying witnesses at the time of registration of the Will. Ex.P7 is his affidavit in this regard.

5.The respondents were examined as P.Ws.3 to 5. In their evidence, they have stated that they have no objection in granting letters of administration in respect of the Will Ex.P2 in favour of the petitioner. They have also filed their consent affidavits in this regard and Exs.P8 to P10 are the consent affidavits of P.Ws.3 to 5.

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.

03.11.2016

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