

O.P.No.600 of 2014

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act r/w Order XXV Rule 5 of Madras High Court Original Side Rules for grant of Letters of Administration.

2. In the petition, it is stated that the Testator V.S.Shanmugam, was ordinarily resided at No.72-A, Mettu Street, K.H.Road, Ayanavaram, Chennai-600 023 and died on 16.05.2000 at his residence. The deceased executed his last Will on 10.04.1997, registered as Document No.49 of 1997 on the file of SRO Theagaraya Nagar, in the presence of witnesses who attested at the foot thereof. The said immovable property is situated within the jurisdiction of this Court. It is further stated that the deceased died leaving behind the petitioner and the respondents as his surviving legal heirs. The petitioner and the respondents are the children of the deceased and the parents and wife of the deceased pre deceased him. No Executor was appointed under the said Will.

3. The amount of assets which is likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.6,50,000/-and the net amount of the said assets, after deducting all items, which the petitioner is by

law allowed to deduct is only of the value of Rs.6,50,000/-. The petitioner undertakes to duly administer the property and credits of the deceased 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 in this Court within six months from the date of grant of Letters of Administration with the Will annexed to the petition and also to render to this Court a true account of the said property and credits within one year from the said date.

4. The petitioner examined himself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P12.

- a) Ex.P1 is the original Will dated 10.04.1997 executed by his father V.S.Shanmugam registered as Doc.No.49 of 1997 at SRO, T.Nagar.
- b) Ex.P2 is the computer generated death certificate of his father V.S.Shanmugam, who died on 16.05.2000.
- c) Ex.P3 is the photocopy of the Sale Deed dated 07.10.1996 registered as Doc.No.1823 of 1996 at SRO, T.Nagar (Marked after comparing and verifying with the original).
- d) Ex.P4 is the original Legal Heirship certificate dated 02.05.2008 in respect of my father V.S.Shanmugam.

- e) Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.6,50,000/-.
- f) Ex.P6 is the online guideline value of the property in respect of the property mentioned in the petition.
- g) Ex.P7 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 22.07.2015.
- h) Ex.P8 is a copy of paper publication effected in one issue of English daily "News Today" dated 28.07.2015.
- i) Ex.P9 is the consent affidavit given by the 1st respondent.
- j) Ex.P10 is the consent affidavit given by the 2nd respondent.
- k) Ex.P11 is the consent affidavit given by the 3rd respondent.
- l) Ex.P12 is the consent affidavit given by the 4th respondent.

He has further stated in his affidavit that he has not filed any other petitioner before any other Court seeking same relief.

5. One Mr.S.Manichavasagam, the friend of the petitioner, examined as PW-2 and he has deposed that on 10.04.1997 in his presence and in the presence of Mrs.S.Radhamani, the deceased executed his last Will and Testament and he subscribed his signature as the second attesting witness along with Mrs.S.Radhamani, who attested the Will (Ex.P1) as the first attesting witness in the presence of Testator. He saw the Testator signing in all the pages of the Will (Ex.P1) and he was also one of the identifying witnesses to the Will (Ex.P1) at the time of registration of the Will before the SRO, T.Nagar.

At that time, the deceased was of sound and disposing state of mind, memory and understanding. Ex.P13 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 as prayed for. 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 Will. The petitioner is 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.

सत्यमेव जयते

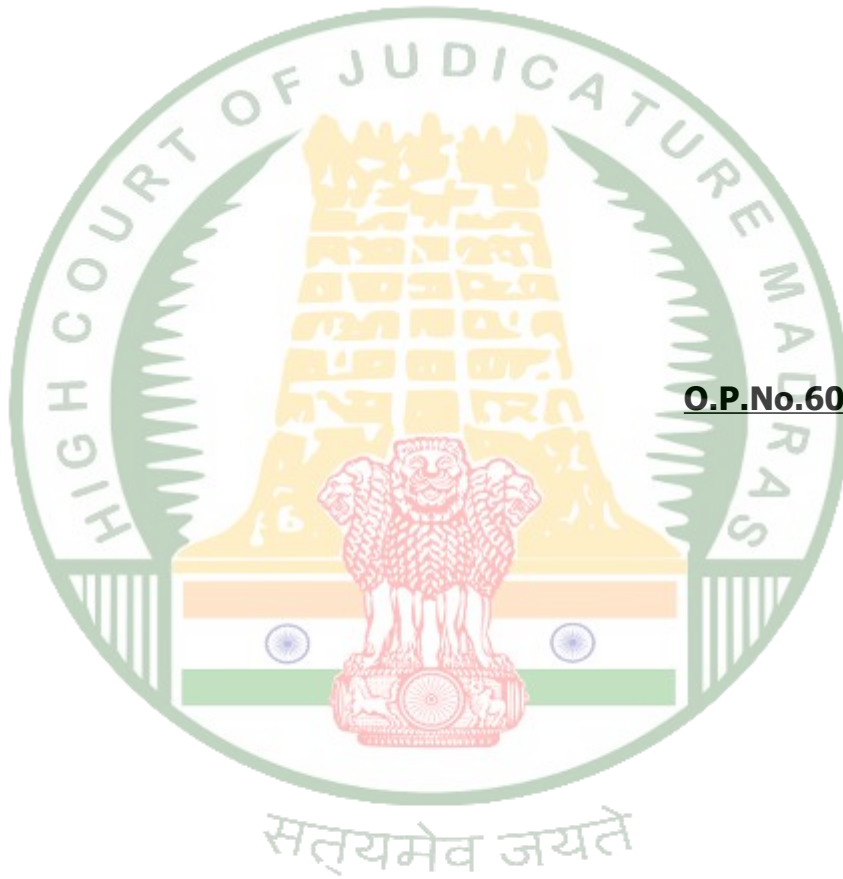
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