

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

DATED, 29TH DAY OF APRIL 2016

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

OP.NO.125 OF 205

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of the Last Will and
Testament dated 11.06.1998 of
AndalAmmal, W/o. Late M.Balasundaram
Deceased

Mrs. Devika Rani,
W/o. Late G.Balasubramaniam,
New No.9, Old No.7, Nehru Street
Bharathipuram, Chrompet,
Chennai 600 044

...Petitioner

-vs-

1.B.Mohanasundaram
S/o. Late M.Balasundaram,
New No.39, Old No.16
Chidambaram Street
Bharathipuram, Chrompet,
Chennai 600 044

2.U.Yuvaraj,
S/o.Late S.Udayakumar
No.57, Chinna Maniyakara Street
Chengalpattu

3.V.Girija,
W/o.S.Venkataraman,
No.57, Chinna Maniyakara Street
Chengalpattu

4.U.Saravanan,
S/o.Late S.Udaya Kumar,
No.57, Chinna Maniyakara Street
Chengalpattu

5.S.Maheshwaran,
S/o.Late S.Sambantha Mudaliar,
No.57, Chinna Maniyakara Street
Chengalpattu

6.U.Geetha,
W/o.Late S.Udaya Kumar
No.57, Chinna Maniyakara Street
Chengalpettu

7.S.Kalavathi,
W/o.Srinivasa Mudaliar,
Kannan Rice Mill,
No.1, Thottakara Street
Athur, Athur Village,
Chengalpettu Division
Kanchipuram District

8.Geethalakshmi,
W/o.Chandrasekaran,
No.22, Gulam Muthsa Street
Mount Road, Chennai 600 002

...Respondents

This Original Petition praying that this Hon'ble Court may be pleased to grant Letters of Administration with Will annexed may be granted to the Petitioner as one of the daughter and 'legatee/beneficiary named under the Will of the said deceased having effect limited within to the State of Tamil Nadu and limited to the property mentioned in affidavit of assets.

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.

who died on 18.02.1999 at Chengalpattu. The first respondent is the son of the deceased. The respondents 2 to 8 are the grand children of the deceased. Tmt.Andalammal executed her last Will and Testament on 11.06.1998. The Will was registered before the Sub-Registrar, Chengalpattu as per Document No.35 of 1998. Thereafter, Tmt.Andalammal died on 18.02.1999. There was no Executor appointed under the Will. The petitioner is the beneficiary under the Will. The petitioner has come up with this original petition for the grant of letters of administration.

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

Exhibits	Documents
Ex.P1	Certified copy of sale deed registered as Doc.No.141 of 1970 in favour of Andalammal dated 27.01.1970
Ex.P2	Original Will executed by Andalammal on 11.06.1998 registered as Doc.No.35 of 1998 on the file of Sub Registrar, Chengalpattu
Ex.P3	Photocopy of the Patta bearing No.667 in respect of the Will mentioned property
Ex.P4	Photocopy of death certificate of Andalammal, who died on 18.02.1999
Ex.P5	Consent affidavit given by the 1st respondent
Ex.P6	Consent affidavit given by the 2nd respondent
EX.P7	Consent affidavit given by the 3rd respondent
Ex.P8	Consent affidavit given by the 4th respondent
Ex.P9	Consent affidavit given by the 5th respondent
Ex.P10	Consent affidavit given by the 6th respondent
Ex.P11	Consent affidavit given by the 7th respondent

Exhibits	Documents
Ex.P12	Consent affidavit given by the 8th respondent
Ex.P13	Affidavit of Assets showing the net value of the estate as Rs.16,56,000/-
Ex.P14	Copy of Paper Publication effected in English Daily "News Today" dated 26.11.2015
Ex.P15	Copy of Paper Publication effected in Tamil Daily "Malai Sudar" dated 08.12.2015

4. P.W.2 was examined to prove the signature of the attesting witness. P.W.2 in her evidence identified the signature of Mr.T.Sampath, who was the attestor of the Will in Ex.P2.

5. The respondents have given consent affidavits as per Exs.P5 to P12.

6. The petitioner has taken paper publication in "News Today" and "Malai Sudar" on 26.11.2015 and 08.12.2015 respectively. So far no objection has been received from any one.

7. In view of the evidence on record, I am satisfied that the petitioner is entitled to the grant of letters of administration.

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

In the upshot, I allow the Original Petition.

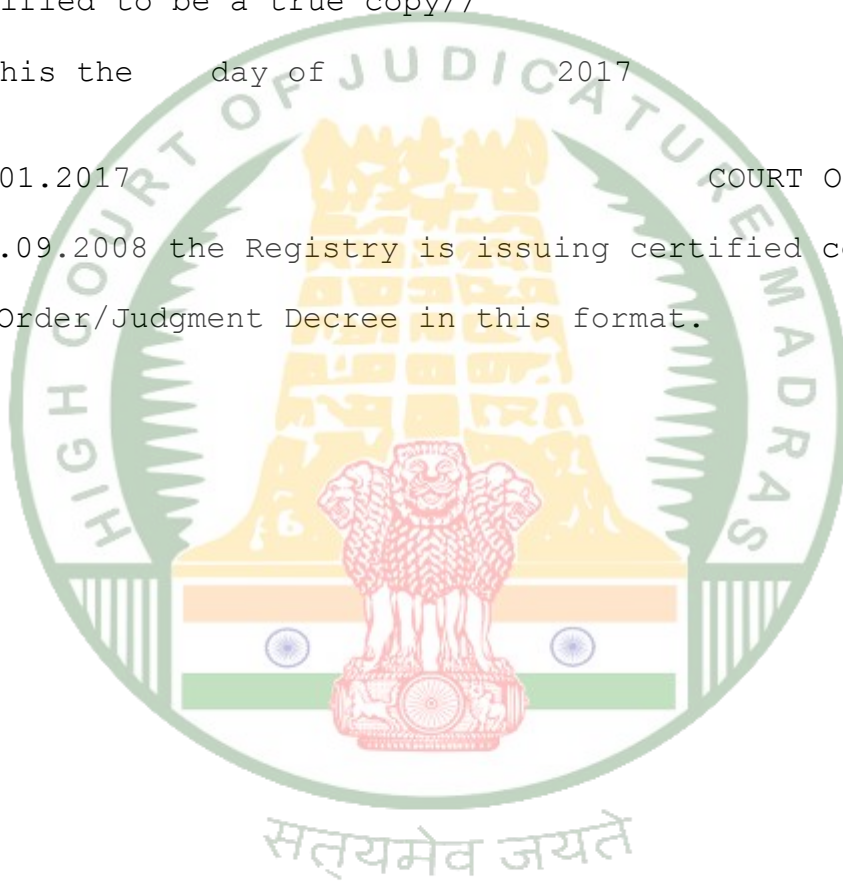
Sd/K.K.S.J
29.04.2016

//Certified to be a true copy//

Dated this the day of JUDICATURE 2017

R.s/30.01.2017 COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies
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