

O.P.No.202 of 2015**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.Despite service of notice and the names of the respondents having been printed in the cause list, there is no representation on behalf of the respondents.

3.In the petition, it is stated that the deceased T.Arumugam died on 28.10.2011 at Melayakudi, Ramanathapuram. He was ordinarily residing at No.15, Sivan Street, 2nd Lane, Sellur, Madurai and he was ordinarily residing at the said address. The deceased possessed properties within the jurisdiction of this Court. The deceased executed his last Will and Testament on 05.06.1989 and the same was registered as Doc.No.150 of 1989. No executor has been appointed in the said Will. The petitioner and the seventh respondent are the daughters of the deceased and the first respondent is the son-in-law of the deceased. Respondents 2 and 3 are the grand sons and respondents 4 and 5 are the grand daughters of the deceased. The

deceased has two wives and both of them predeceased him. The mother of the testator as well as one of his daughters predeceased him. The deceased testator bequeathed his immovable property at T.Nagar, Chennai, reserving life interest for the petitioner and to be taken by her daughter viz., the sixth respondent absolutely after the life time of the petitioner. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.90,00,000/- 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.90,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased T.Arumugam and 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 and also to render to this Court a true account of the said property and credits within one year from the said date. 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 herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P14;

Ex.P1 is the photocopy of the certified copy of the death certificate of the petitioner's father T.Arumugam, who died on 28.10.2011.

Ex.P2 is the original registered Will and Testament dated 05.06.1989 executed by the petitioner's father T.Arumugam registered as Doc.No.150 of 1989 at SRO, Madurai.

Ex.P3 is the photocopy of the death certificate of the petitioner's elder sister A.Lakshmi, who died on 03.02.2007.

Ex.P4 is the photocopy of legal heirship certificate dated 17.02.2007 in respect of the petitioner's elder sister A.Lakshmi.

Ex.P5 is the photocopy of the legal heirship certificate dated 15.03.2012 in respect of the petitioner's father T.Arumugam.

Ex.P6 is the consent affidavit given by the first respondent stating that he has no objection in grant of letters of administration in favour of the petitioner.

Ex.P7 is the consent affidavit given by the second respondent stating that he has no objection in grant of letters of administration in favour of the petitioner.

Ex.P8 is the consent affidavit given by the third respondent stating that he has no objection in grant of letters of administration in favour of the petitioner.

Ex.P9 is the consent affidavit given by the fourth respondent stating that she has no objection in grant of letters of administration in favour of the petitioner.

Ex.P10 is the consent affidavit given by the fifth respondent stating that she has no objection in grant of letters of administration in favour of the petitioner.

Ex.P11 is the consent affidavit given by the sixth respondent stating that he has no objection in grant of letters of administration in favour of the petitioner.

Ex.P12 is the consent affidavit given by the seventh respondent stating that she has no objection in grant of letters of administration in favour of the petitioner.

Ex.P13 is the affidavit of assets showing the net value of the property for Rs.90,00,000/-.

Ex.P14 series are the copies of paper publication effected in one issue of Tamil Daily "Malai Sudar" dated 17.10.2015 and in one issue of English Daily "News Today" dated 30.10.2015.

5.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.

6.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.

13.07.2016

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