



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

DATED, THE 13th DAY OF JULY 2016

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.P.NO.68 OF 2015

In the matter of the Indian
Succession Act XXXIX of 1925
and

In the matter of last Will
and Testament of Rajammal,
Deceased

Mrs. Parvathi,
W/o. Mr.Subbiah,
D/o.Late Mr.Krishnasamy & Late Mrs.Rajammal,
Old No.84, New No.9, Mettu Street
Idukadu Lane, Ayanavaram
Chennai 600 023

...Petitioner

-vs-

Mrs. Rani,
W/o. Late Mr.Balaraman,
D/o.Late Mr.Krishnasamy & Late Mrs. Rajammal,
Old No.84, New No.9, Mettu Street
Idukadu Lane, Ayanavaram,
Chennai 600 023

...Respondent

Original Petition praying that this Hon'ble Court be
pleased that Letters of Letters of Administration with Will
annexed may be granted to the petitioner as
daughter/legatee under the WILL of the Deceased Mrs.
Rajammal having effect limited to the State of Tamil Nadu.



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This Original Petition coming on this day before this court for hearing the court made the following order:

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 name of the respondent having been printed in the cause list, there is no representation on behalf of the respondent.

3.In the petition, it is stated that the deceased Rajammal died on 08.04.1999 at Old No.84, New No.9, Mettu Street, Idukadu Lane, Ayanavaram, Chennai - 23 and she was ordinarily residing at the said address. The deceased possessed the property within the jurisdiction of this Court. The deceased, during her life time, purchased a land and thatched house at Oldest Door No.31/8, Old No.84, New No.9, Mettu Street, Idukadu Lane, Ayanavaram, Chennai - 23 and the same was registered as Document No.320 of 1955 at SRO, Sembium. The deceased executed two registered Wills in favour of her daughters viz., the petitioner and the respondent. The deceased testatrix executed her last Will and Testament on 11.03.1998, registered as Doc. No.29 of 1998, bequeathing northern side portion of the property to the petitioner and no executor has



been appointed in the said Will. The deceased testatrix executed another Will dated 02.06.1998, registered as Doc. No.72 of 1998 at SRO, Anna Nagar, Chennai, bequeathing southern side portion of the property to the respondent. The husband of the testatrix and her parents predeceased her. The respondent is the only interested next kin of the testatrix. The respondent was benefited with the southern portion of the property by way of separate registered Will executed by the testatrix. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.15,10,000/- 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.15,10,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Rajammal 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 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 her property.



averments made in the petition and filed the following documents

viz., Exs.P1 to P6;

Ex.P1 is the original death certificate of the petitioner's mother Rajammal, who died on 08.04.1999.

Ex.P2 is the original Will executed by the petitioner's mother Rajammal on 11.03.1998, registered as Doc. No.29/1998 at SRO, Anna Nagar.

Ex.P3 is the affidavit of assets showing net value of estate as Rs.15,10,000/-.

Ex.P4 is one copy of paper publication effected in one issue of Tamil Daily "Dina Suriyan" dated 02.10.2015.

Ex.P5 is a copy of paper publication effected in one issue of English Daily "News Today" dated 07.10.2015.

Ex.P6 is the photocopy of legal heirship certificate in respect of the petitioner's mother Rajammal.

5.One of the attestors of the Will dated 11.03.1998 viz., S.Vellaidurai was examined as P.W.2. In his evidence, P.W.2 has stated that he was present at the time of execution of the Will along with V.Ashok Kumar and the testatrix affixed her thumb impression in the Will. P.W.2 subscribed his signature as first attesting witness

along with V.Ashok Kumar, who attested the Will as the second



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. Ex.P7 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.

sd/.M.M.S.J
13.07.2016

//Certified to be a true copy//

Dated this the day of 2016.

R.s/14.12.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.