

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

DATED, THE 7th DAY OF NOVEMBER 2016

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

O.P.NO.297 OF 2016

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

In the matter of Last Will
and Testament of
Mr.K.Jayaram Naidu (Deceased)

1.K.Devi,
2.Gajalakshmi,
3.Babu
all are residing at
No.2171, 'L' Block,
6th Street, 12th Main Road
Anna Nagar, Chennai 600 040

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased that Letters of Administration with the Will
annexed may granted to them as the nephew and
nieces/beneficiary under the Will asset of the said
deceased having effect through out the State of Tamil Nadu.

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. In the petition, it is stated that the deceased K.Jayaram Naidu died on 29.05.2015 at No.2171, "L" Block, 6th Street, 12th Main Road, Anna Nagar, Chennai - 600 040 and he was permanently residing at the said address. The deceased executed his last Will and Testament dated 25.01.2013, bequeathing his property to the petitioners as the sole beneficiaries and no executor has been appointed in the Will. The deceased is the paternal uncle of the petitioners herein and the deceased and his wife had no issues. The wife of the deceased Mrs.Leelavathy predeceased him on 23.02.2001. The amount of assets which is likely to come to the hands of the petitioners does not exceed in the aggregate sum of Rs.3,41,37,680/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.3,41,36,680/-. 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. There is no next of kith and kin or other persons interested in his estate to be impleaded as respondents. The petitioners undertake to duly administer the property and credits of the deceased Jayaram Naidu 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 petitioners and render true account of the said property and credits within one year from the said date.

3. The 3rd petitioner, who examined himself 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 original registered Will and Testament dated 25.01.2013 executed by K.Jayaram Naidu, the paternal uncle of the petitioners, which was registered as Doc.No.15 of 2013 before the Sub-Registrar, Annanager.

Ex.P2 is the computer generated copy of the death certificate of the deceased K.Jayaram Naidu, who died on 29.05.2015.

Ex.P3 is the original death certificate of deceased Jayaram Naidu's wife Leelavathy, who died on 23.02.2001.

Ex.P4 is the affidavit of assets showing the net value of the estate at Rs.3,41,36,680/-.

Ex.P5 is the copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 10.08.2016

Ex.P6 is the copy of paper publication effected in one issue of English daily 'News Today' dated 18.08.2016.

4. One of the attestors of the Will dated 25.01.2013 viz., P.Sreekanth was examined as P.W.2. In his evidence, he has stated that the testator was his relative and the testator executed his last Will and Testament on 25.01.2013 in his presence and in the presence of one S.Manikandan Bose. P.W.2 subscribed his signature as first attesting witness along with S.Manikandan Bose, who attested the Will as the second attesting witness in the presence of the testator. He has further stated that the testator was in a sound and disposing state of mind, memory at the time of execution of Ex.P1 Will. 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. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioners are entitled to the issuance of Letters of Administration.

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

sd/.M.M.S.J
07.11.2016

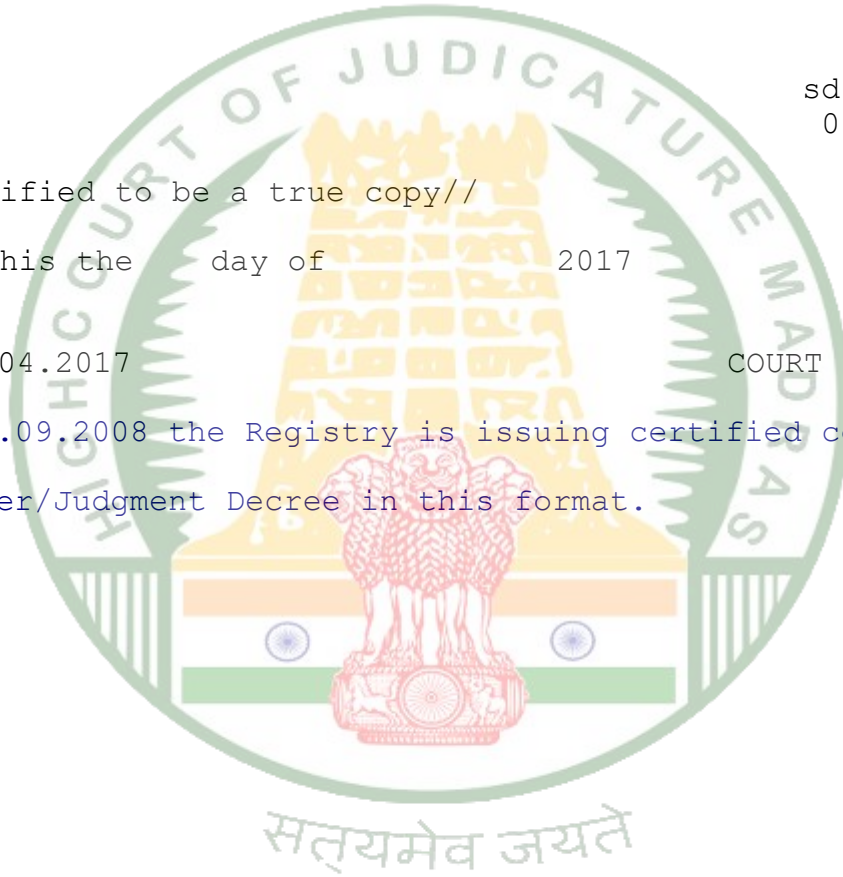
//Certified to be a true copy//

Dated this the day of 2017

R.s/03.04.2017

COURT OFFICER

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



WEB COPY