

O.P.No.814 of 2014

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 and Order XXV Rule 5 of the Original Side Rules for grant of Letters of Administration of the properties of the deceased G.Revathi.

2. In the petition, it is stated that the deceased G.Revathi, permanently resided at No.10, Vallalar Flats, New Street, Lloyds Road, Chennai and died on 28.05.2011 as spinster. The father of the deceased predeceased her. The petitioners are the sisters, brothers and mother of the deceased. The deceased during her life time made an unregistered Will on 01.12.2010 in her residence and it was attested by K.Mohandass and G.Raghuraman. The deceased executed the Will and bequeathed the properties mentioned in the schedule in favour of the petitioners equally. No executor was appointed under the Will. The amount of assets which is likely to come in the hands of the petitioners does not exceed in the aggregate sum of Rs.24,86,247/-.

3. The third petitioner examined herself as PW1 and marked exhibits P1 to P10;

- a) Ex.P1 is the original unregistered Will dated 01.12.2010 executed by her deceased sister G.Revathi.
- b) Ex.P2 is the computer generated copy of the death certificate of the Testatrix G.Revathi, who died on 28.05.2011.
- c) Ex.P3 is the original legal heirship certificate dated 15.07.2011 in respect of the Testatrix G.Revathi.
- d) Ex.P4 is the certified copy of the Sale deed dated 14.01.1988 executed by Soor Shah Makkan Wakf in favour of father of the Testatrix, which was registered as Doc.No.62 of 1988 on the file of the SRO, Mylapore.
- e) Ex.P5 is the computer generated copy of her deceased father R.S.Gomathinayagam, who died on 17.03.1991.
- f) Ex.P6 is the photocopy of the legal heirship certificate dated 29.08.1991 in respect of her deceased father.
- g) Ex.P7 is the certified copy of the sale deed dated 16.04.2008 executed by P.V.Dhanjeyan in favour of the Testatrix, which was registered as Doc.No.2719 of 2008 before the SRO, Ponneri.
- h) Ex.P8 is the affidavit of assets showing the net value of the estate for Rs.24,86,247/-.
- i) Ex.P9 is a copy of paper publication effected in one issue of English Daily "Trinity Mirror" dated 22.01.2016.
- j) Ex.P10 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 30.01.2016.

She has not filed any other petition before any other Court seeking the same relief.

4. One of the attestors of the Will, Mr.K.Mohandass, was examined as PW2. In his evidence, he has stated that he is well acquainted with the Testator as they were working in the same office for 15 years. He further stated that the deceased executed her last Will and Testament on 01.12.2010 in his presence and in the presence of one Raghuraman. At request of the deceased, he subscribed his signature as the first attesting along with Raghuraman, who attested the Will as the second attesting witness. The Testator was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. He has filed an affidavit, Ex.P11 in that regard.

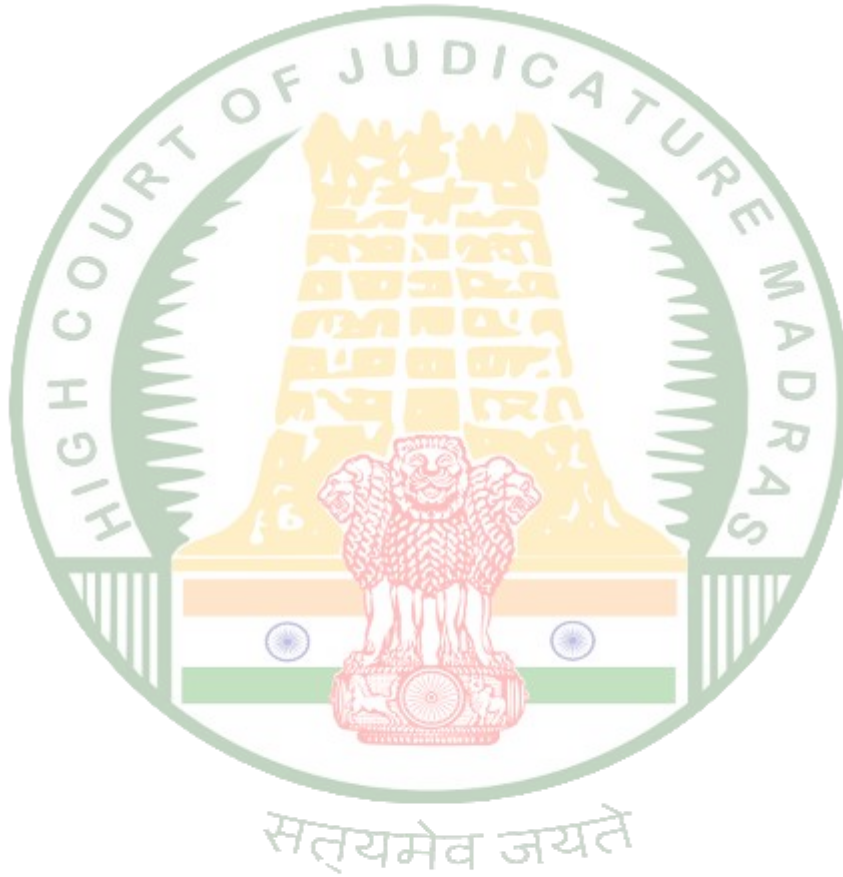
5. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioners are entitled to the issuance of Letters of Administration.

6. Accordingly, this petition is allowed as prayed for. 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 Will. The petitioners are 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.

28.11.2019

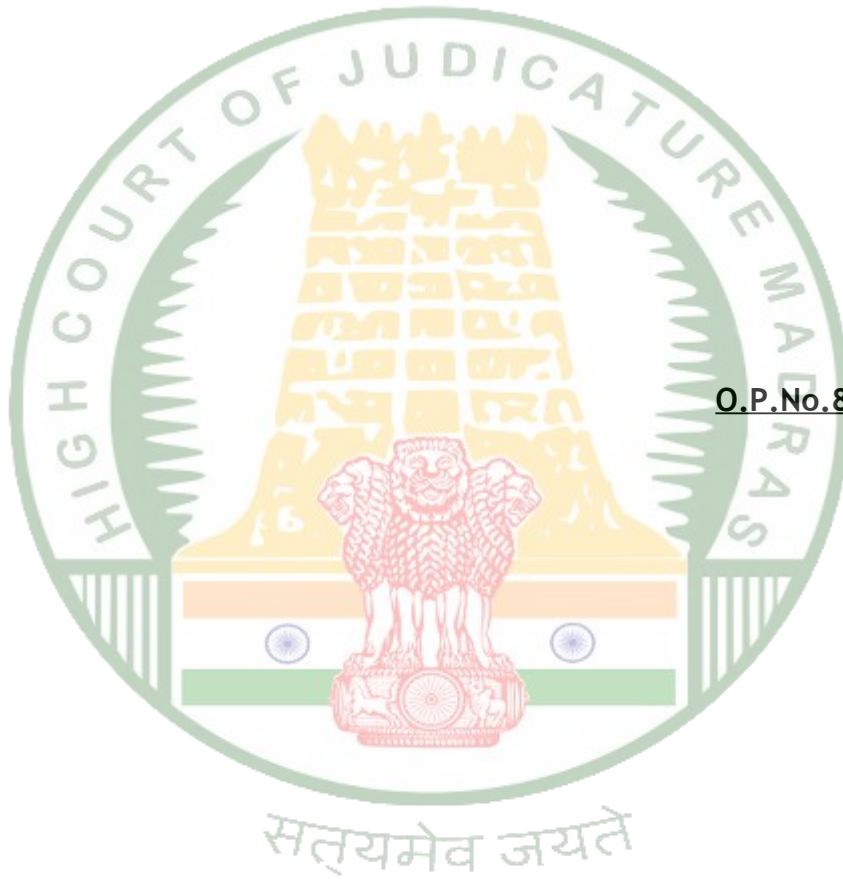
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