

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 9TH DAY OF NOVEMBER 2017

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

O.P. No.619 of 2017

In the matter of the Indian
Succession Act of 39/1925

And

In the matter of Last Will of
Mr.P.C.Krishnan Nair (Deceased)

A.Ammukutty
New No.27, Old No.17,
Aspiran Garden,
1st Street, Kilpauk,
Chennai - 600 010.

: Petitioner

Original Petition prays that Letters of Administration with the Will annexed may be granted to her as the wife/beneficiary under the Will of the said deceased having effect limited to 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 P.C.Krishnan Nair, died on 28.05.1986 at New No.27, Old No.17, Aspiran Garden, 1st Street, Kilpauk, Chennai - 600 010, and he was ordinarily residing at the said address. The deceased possessed the property within the Jurisdiction of this Court. The petitioner is the wife of the deceased and leaving behind the petitioner as his only legal heir. The original will dated is filed along with the petition and marked with the letter "A" is the last will and Testament of deceased and the same was duly executed by him at Chennai on 23.06.1983 in the presence of witnesses namely 1. Dhanur Raman, 2. Purusothama Naidu and 3. S.Sadhasivam. No executor was appointed under the will. The amount of assets which is likely to come into the hands of the Petitioner and does not exceed the aggregate the sum of Rs.2,83,07,835/- and the net amount of the said assets, after deducting all items, which the petitioner is by law allowed to deduct is only of the value of Rs.2,83,07,835/-. 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. There are no other legal heirs apart from the petitioner herein. The petitioner undertakes to duly administer

the property and credit of the deceased P.C.Krishnan Nair 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 render true account of the said property and credits within one year from the said date.

3. The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P11;

Ex.P1 is the computer generated death certificate of P.W.1's husband P.C.Krishnan Nair, who died on 28.05.1986.

Ex.P2 is the original registered last Will and Testament dated 23.06.1983 executed by P.W.1's husband P.C.Krishnan Nair. This Will Testament has been attested by three witnesses namely 1.Mr.Dhanur Raman, 2.Mr.Purusothama Naidu and 3.Mr.S.Sadhasivam, along with payment receipt.

Ex.P3 is the photocopy of the legal heirship certificate dated 25.06.1986 in respect of P.W.1's husband P.C.Krishnan Nair.

Ex.P4 is the original letter dated 01.08.2017 sent to P.W.1 by the Tashildar, Egmore Taluk, Chennai.

Ex.P5 is the photocopy of P.W.1 Family Card for the period 2005 to 2009 bearing No.01/W/0051781.

Ex.P.6 is the photocopy of the sale deed dated 29.04.1968 executed by the Madras State Housing Board in favour of P.W.1's husband P.C.Krishnan Nair.

Ex.P.7 is the photocopy of the property tax demand card bearing bill No.00291, standing in P.W.1 name.

Ex.P.8 Series (2 Nos.) are the photocopies of Water and Sewerage Tax cum Water charges cards bearing serial No.37333 and serial No.297.

Ex.P.9 is the web copy of the statement of guideline value.

Ex.P.10 is one copy of paper publication effected in one issue of Tamil daily "Malai Sudar" dated 12.09.2017.

Ex.P.11 is one copy of paper publication effected in one issue of English Daily "News Today" dated 19.09.2017.

4. The third attesting witness to the Will dated 23.06.1983, S.Sadhasivam, was examined as P.W.2. In his evidence, he has stated that the Testator P.C.Krishnan Nair executed his Last Will and Testament on 23.06.1983 in his presence and in the presence of Mr.Dhanur Raman and Mr.Purusothama Naidu. At the request of the Testator, P.W.2 subscribed his signature as the third attesting witness along with Mr.Dhanur Raman and Mr.Purusothama Naidu, who attested the Will as the 1st and 2nd attesting witness respectively in the presence of the Testator. While executing the Will, the Testator was in a sound and disposing state of mind, memory and understanding.

Ex.P.12 is the consent affidavit of P.W.2.

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.

Sd./- C.V.K.J.

09.11.2017

//Certified to be true copy//

Dated at Madras this the th day of 2018.

COURT OFFICER (O.S.)

TPY/31.1.2018

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