

O.P.No.859 of 2015**K.KALYANASUNDARAM, 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 for grant of Letters of Administration.

2. Heard the learned counsel appearing for the petitioner.

3. In the petition, it is stated that the petitioner is the brother of the deceased viz., T.B.Yamarose Ammal died on 18.09.2008 and was ordinarily residing at New No.14, Old No.20 (24/20) Ramanuja Koodam Street, Old Washermanpet, Chennai-21. The said deceased T.B.Yamarose Ammal has executed a last Will and testament dated 04.12.2003 and registered as Doc.No.76 of 2003 in the office of Sub-Registrar, Royapuram in the presence of the two witnesses viz., N.Chandrasekaran and M.Udhaya Kumar. The deceased died intestate and though due and diligent search has been made for a Will, nothing has been found. There is no other kin or kindred available than the petitioner. The parents of the deceased predeceased her and she has no class-I legal heir. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.10,00,000/- 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.10,00,000/-. The petitioner undertakes to duly administer the property and

credits of the deceased T.B.Yamarose Ammal 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 also render a true account of the said property and credits within one year from the said date.

4. The petitioner 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 computer generated death certificate of his elder sister T.B.Yamarose Ammal, who died on 18.09.2008. Ex.P2 is the original registered Will and Testament dated 04.12.2003. Ex.P3 is the certified copy of the settlement deed dated 11.06.1952. Ex.P4 is the affidavit of assets showing the net value of the property as Rs.10,00,000/-. Ex.P5 is a copy of paper publication effected in one issue of Tamil Daily "Malai Malar" dated 28.02.2016. Ex.P6 is the copy of paper publication effected in one issue of English Daily "Trinity Mirror" dated 09.03.2016. He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

5. One Mr.M.Udayakumar, who is the relative of the deceased T.B.Yamarose Ammal, was examined as P.W.2. In his evidence, he has stated that the testator executed his last Will and Testament on 04.12.2003 in his presence and in the presence of one N.Chandrasekaran. At the request of the testatrix, P.W.2 subscribed his signature as the second attesting witness along with

N.Chandrasekaran, who attested the Will as the first 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 morefully 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.

26.04.2017

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K.KALYANASUNDARAM

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