

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

THURSDAY, THE 09TH DAY OF NOVEMBER 2017

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

O.P.No.902 of 2015

In the matter of Indian
Succession Act XXXIX of
1925
and
In the matter of
Certified Copy of Last
Will and Testament of
Mrs.Jagadambal(Deceased)

P.Nethaji,
S/o.Late Perumal,
No.G79, G Block,
Anna Nagar East,
Chennai - 600 102

...Petitioner

-VS-

1.P.Palani,
S/o.Late Perumal Naicker,
Door No.G-81, G Block,
Anna Nagar East,
Chennai-600 102

2.P.Muniammal,
W/o.Munusamy and
D/o.Late Perumal,
Door No.25, V.O.C.Colony,
Anna Nagar East,
Chennai-600 102

3.P.Gajendran,
S/o.Late Perumal,
Door No.G-79, G Block,
Anna Nagar East,
Chennai - 600 102

4.S.Baghyalakshmi,
W/o.Sekar & D/o.Perumal,
Old No.53/2, New Door No.35
Nehru Street, V.O.C. Nagar,
Anna Nagar East,
Chennai-600 102

5.N.Narasiman,
S/o.Mr.Sriraman,
Late Thirupura Sundari,
No.5, Perasan Venkatesan Street,
Ganapathi Nagar,
Cholapuram, Ambattur,
Chennai - 600 062

6.S.Bhuvaneshwari,
D/o.Mr.Sriraman &
Late Thirupura Sundari,
No.5,Perasan Venkatesan Street,
Ganapathi Nagar,
Cholapuram, Ambattur,
Chennai-600 062

7.Sriraman,
No.5, Perasan Venkatesan Street,
Ganapathi Nagar,
Cholapuram, Ambattur,
Chennai- 600 062

...Respondents

Original Petition praying that this Honble Court be pleased that

Letter of Administration of the Will dated 14.03.1986 annexed of the
property and credits of deceased may be granted to the petitioner as

son/beneficiary under the Will of the said deceased.

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 Mrs.Jegadambal died on 31.12.2003 at Madras Medical Mission, Chennai and ordinarily resided at No.79, G Block, Anna Nagar, East, Chennai- 600 102 and the deceased Jagadambal at the time of her death possessed and left property within the jurisdiction of this Court. The petitioner and respondents- 1 to 4 are the son and daughters of the deceased Jagadambal and respondents-5 & 6 are the son and daughter and 7th respondent is the husband of her predeceased daughter Thirupurasundari. That the writing hereto annexed and marked with letter "A" is the certified copy of last Will and Testament of the deceased, Jagadambal and was duly executed at her residence on 14.03.1986, in the presence of the witnesses and registered as document No.16/1986 registered in the Office of Anna Nagar Sub Registrar Office. The amount of assets which are likely to come into the hands of the Petitioner and does not exceed in aggregate the sum of Rs.15,00,000/-

deducting all items which the petitioner by law allowed to take is of the value of Rs.15,00,000/-(Rupees Fifteen Lakhs Only). No application has been filed in any District Court of delegate or to any other High Court for probate of any Will of the said deceased or for issue of Letters of Administration with or without the Will annexed to her property and credits of the deceased. The petitioner undertake to duly administer the property and credits of the deceased Jagadambal 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 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 P.7;

Ex.P1 is the certified copy of sale deed dated 06.03.1986 in favour of the Testatrix Mrs.Jagadambal registered ad Doc.No.878/1986 at SRO, Anna Nagar.

Ex.P2 is the certified copy of original Will dated 14.03.1986 executed by Mrs.Jagadambal registered as Doc.No.16/1986 at SRO, Anna Nagar.

Ex.P3 is the photocopy of death certificate of the Testatrix

Mrs.Jagadambal, who died on 31.12.2003.

Ex.P4 is the photocopy of legal heirship certificate dated 21.11.2008 in respect of the Testatrix Mrs.Jagadambal.

Ex.P5 is the photocopy of death certificate of P.W.1's sister S.Thirupurasundari, who died on 05.12.1993.

Ex.P.6 is the affidavit of assets showing the net value of the estate for Rs.15,00,000/-.

Ex.P.7 are the copies of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 07.07.2017 and one issue of English daily "Trinity Mirror" dated 16.07.2017.

4. P.W.2 M.Natesan, who attested the Will as the first attesting witness along with K.Kanniah Naidu, who attested the Will as the second attesting witness in the presence of Testatrix. The Testatrix executed her last Will and Testament on 14.03.1986 in his presence and in the presence of K.Kanniah Naidu. While executing the Will, the Testatrix was in a sound and disposing state of mind, memory and understanding. Ex.P.8 is the consent affidavit of P.W.2.

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 a true copy//
Dated this the day of 2019.

R.s/12.07.2019

COURT OFFICER(O.S.)

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