

**O.P.No.958 of 2015****K.KALYANASUNDARAM, J.,**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 and Order XXV Rule 5 of the Madras High Court Original Side Rules, seeking the grant of Letters of Administration.

2. In the petition, it is stated that the petitioner's husband N.V. Krishnan died on 14.07.2006 at St. Isabel Hospital and he ordinarily resided at No. 194/36, Asiad Colony, Anna Nagar West, Chennai - 600 101. The petitioner is the wife of the deceased. The first and second respondents are daughters of the deceased and the third respondent is the son of the deceased. The deceased was in possession of the property at Plot No.21, "Sri Raja Rajeswari Nagar - III Aranvoyal Village, Thiruvallur Taluk, Thiruvallur District, to an extent of 1725 sq.ft.

3. It is the further case of the petitioner that the deceased executed a Will on 24.08.2005 at No. 194/23, Asiad Colony, Anna Nagar West, Chennai - 600 101, at Tiruchirapalli in the presence of two witnesses, namely, Mrs. Radhika Balasubramaniam and Mr. V.S. Natrajan. Under the said Will, he has not appointed any executor. The petitioner is the beneficiary and legatee under

the said Will. The deceased had bequeathed the property, as mentioned in Last will and Testament, to his wife, the petitioner/the mother of respondents herein, absolutely and in the event of her death, the entire property shall devolve upon his only son, the 3<sup>rd</sup> respondent herein. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.7,80,000/- and the net amount of the said assets, after deducting all the items, which the petitioner is by law allowed to deduct is only to the value of Rs.7,80,000/-.

4. The petitioner further submits that respondents 1 to 3 have executed consent affidavits stating that they have no objection to grant Letters of Administration in favour of the petitioner as the legal heir of the deceased. The petitioner undertakes to duly administer the property and credits of the deceased N.V. Krishnan 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 with the Will annexed to the petitioner and also to render to this Court a true and proper account of the said property and credits within one year from the said date. 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 and credits.

5. The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P12;

Ex.P1 is the computer generated death certificate of late N.V. Krishnan, who died on 14.07.2006.

Ex.P2 is the original unregistered Will dated 24.08.2005 executed by the deceased.

Ex.P3 is the copy of the petitioner's application submitted to Tahsildar, Mylapore-Triplicane Taluk for obtaining legal heirship certificate in respect of her husband Late N.V. Krishnan.

Ex.P4 is the original encumbrance certificate dated 02.07.2015 in respect of the property mentioned in the petition for the period from 01.01.2000 to 30.06.2015.

Ex.P5 is the photocopy of the petitioner's passport bearing No. J2210946.

Ex.P6 is the affidavit of assets showing the net value of estate as Rs.7,80,000/-.

Ex.P7 is the consent affidavit given by the 1<sup>st</sup> respondent

Mrs. Jayashree Krishnan stating that she has no objection in granting Letters of Administration, in respect of the Will Ex.P2, in petitioner's favour.

Ex.P8 is the consent affidavit given by the 2<sup>nd</sup> respondent, Mrs. Lakshmi Suresh, stating that she has no objection in granting letters of administration in respect of the Will Ex.P2, in petitioner's favour.

Ex.P9 is the consent affidavit given by the 3<sup>rd</sup> respondent, Mr. Vaidyanathan Krishnan, stating that he has no objection in granting letters of administration in respect of the Will Ex.P2, in petitioner's favour.

Ex.P10 is a copy of paper publication effected in one issue of Tamil Daily "Dhina Boomi" dated 16.11.2016.

Ex.P11 is a copy of paper publication effected in one issue of English Daily "Virtual Times" dated 24.11.2016.

Ex.P12 is the affidavit of one of the attesting witnesses, Mrs. Radhika Balasubramaniam.

6. One of the attestors of Ex-P2 Will dated 24.08.2005 viz., Mrs. Radhika Balasubramaniam was examined as P.W.2. In her evidence, P.W.2 has stated that the testator, N.V. Krishnan is her father-in-law and that he had executed a Will on 24.08.2005 in her presence and in the presence of one Mr.V.S. Natrajan.

At the request of the testator, she had subscribed her signature as the first attesting witness along with the said Mr.V. S. Natrajan, who attested the Will as the second attesting witness in the presence of the testator. She would further state that along with the second attesting witness, she saw the testator subscribing his signature in the Will and while executing the Will, the testator was in a sound and disposing state of mind, memory and understanding.

7. 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.

8. 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.

**11.05.2017**

**K.KALYANASUNDARAM, J.,**

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