

O.P.No.145 of 2013**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. According to the petitioner, her mother G.Gomathiammal executed her Last Will and Testament on 10.05.2002 in the presence of her sisters viz., Mrs.S.Revathy and Mrs.S.Gowri. It is stated in the petition that the respondents are the legal heirs of the deceased G.Gomathiammal. The husband of the testatrix late Subramania Iyer predeceased the testatrix. The parents of the testatrix also died long time ago. The petitioner has filed this petition as legatee of Tmt.G.Gomathiammal, who is the beneficiary under the Will for getting Letters of Administration in respect of the Will. The amount of assets which is likely to come to the petitioners hands do 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 petitioners are 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 Gomathy Ammal 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 and also to render to this Court a true account of the said property and credits within one year from the said date.

3. 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 P6;

Ex.P1 is the certified copy of the Will dated 10.05.2002 executed by her deceased maternal grandmother G.Gomathiammal. This Will has been attested by two attesting witnesses namely Mrs.S.Gowri and Mrs.S.Revathi.

Ex.P2 is the Computer generated copy of the death certificate of the Testatrix G.Gomathi, who died on 07.03.2003.

Ex.P3 is the affidavit of assets showing the net value of the property for Rs.10,00,000/-

Ex.P4 is the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 26.04.2014.

Ex.P.5 is a copy of paper publication effected in one issue of English Daily "Trinity Mirror" dated 03.05.2014.

Ex.P.6 is the affidavit of Mrs.S.Revathi

4. One of the attestors of the Will dated 10.05.2002, viz., Mrs.G.Gomathiammal was examined as P.W.2. In her evidence, P.W.2 has stated that the testatrix Tmt.Damayandhi was her mother. Tmt.Gomathiammal executed her Will and Testament, dated 10.05.2002 in her presence and in the presence of her elder sister S.Gowri. She subscribed her signature as the second attesting witness along with her sister Mrs.S.Gowri, who attested the Will as the first attesting witness in the presence of the Testatrix and thus all of them signed in each other's presence. While executing the Will, the testatrix was in a sound and disposing state of mind, memory and understanding.

5. The respective affidavits of the attesting witnesses have also been filed before this Court.

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 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.

30.01.2017

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