

O.P.No.226 of 2016

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 deceased U.S.Krishnamoorthy died on 28.04.2015 at his ordinary residence at Flat No.5, 2nd Floor, Gokul Flats bearing Door No.19, Kamaraj Salai, R.A.Puram, Chennai - 600 028. The deceased executed his last Will and Testament dated 05.01.2015 and no executor has been appointed under the said Will. The petitioner is the sister of the Testator. The wife the deceased and two sister of the deceased predeceased him. The testator had no issue and the petitioner is the only heir of the petitioner. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.40,00,000/- 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.40,00,000/-. The petitioner undertakes to duly administer the property and credits of the

deceased Mr.U.S.Krishnamoorthy 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. 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 properties and credits.

5. The petitioner examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P9. Ex.P1 is the computer generated death certificate of the deceased U.S.Krishnamoorthy, who died on 28.04.2015. Ex.P2 is the original Will executed by the deceased U.S.Krishnamoorthy on 05.01.2015. Ex.P3 is the photocopy of Sale deed dated 18.02.1993 in favour of the deceased U.S.Krishnamoorthy and his wife T.S.Mangalam registered as Doc.No.314 of 1993 at SRO, Mylapore. Ex.P4 is the computer generated death certificate of T.S.Mangalam who died on 07.09.2013. Ex.P5 is the original Family Card for the period 2005 - 2009 in respect of deceased U.S.Krishnamoorthy. Ex.P6 is the computer generated death certificate of sister of the petitioner viz. Jayalakshmi who died on 27.05.1998. Ex.P7 is the computer generated death certificate of sister of the petitioner viz. S.Lalitha who died on 14.12.2012.

Ex.P8 is the affidavit of assets showing the net value of the property as Rs.40,00,000/-. Ex.P9 (Series 2 Nos.) are the copies of paper publication effected in one issue of English Daily “News Today” dated 04.08.2016 and in one issue of Tamil Daily “Thina Boomi” dated 27.07.2016. She has further stated in his evidence that she has not filed any other petition before any other Court seeking the same relief.

6. One Ms.V.S.Geetha D/o. Late V.S.Sundaram one of the attesting witness was examined as P.W.2. In her evidence, she has stated that she was also present at the time of execution of the Will and signed as first attesting witness to the Will along with other witness Dr.Nithya S.Krishnan who attested the Will as the second attesting witness. Ex.P10 is his affidavit in this regard. Dr.Nithya S.Krishnan who was the second attesting witness was examined as P.W.3. In her evidence, she has stated that she was also present at the time of execution of the Will and signed as second attesting witness to the Will along with other witness Ms.V.S.Geetha who attested the Will as the first attesting witness. Ex.P11 is his affidavit in this regard.

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.

10.01.2017

rgr

K.KALYANASUNDARAM, J.

rgr

O.P.No.226 of 2016

10.01.2017
<http://www.judis.nic.in>