

O.P.No.452 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. The learned counsel for the respondent would submit that the respondent has no objection for issuance of letter of Administration in favour of the petitioner.

3. In the petition, it is stated that deceased Dr.Senthamilselvi died on 08.08.2015 at Apollo Hospital, Chennai – 600 006 and she was ordinarily residing at New No.376, II Avenue, Anna Nagar, West Extension, Chennai – 600 101. The deceased died as a widow and her parents and her husband predeceased her and she did not have any children. The

executed her last Will and Testament dated 25.08.2010 and no executor has been appointed under the said Will.

4. The deceased Dr.A.Senthamizhselvi is the paternal aunt of the petitioner and the respondent. The deceased had no issues and the husband of the deceased died on 22.07.2001. By the above said Will, the deceased had bequeathed the immovable property to the petitioner and the respondent. The deceased left the petitioner and the respondents being her surviving next of kin. The amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.2,12,82,000/- 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.2,12,82,000/-. The petitioner undertake to duly administer the property and credits of the deceased Dr.A.Senthamizhselvi 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. 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 her property 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 P8. Ex.P1 is the photocopy of death certificate of husband of the deceased viz. T.Mahadevan, who died on 22.07.2001. Ex.P2 is the original legalheirship certificate dated 27.09.2011 in respect of T.Mahadevan which discloses the name of the deceased who is the textatrix herein. Ex.P3 is the computer generated death certificate of the deceased, who died on 08.08.2015. Ex.P4 is the original Will executed by the deceased Dr.A.Senthamilselvi dated 25.08.2010 registered as Doc.No.62/2010 at SRO, Villivakkam. Ex.P5 is the computer generated guideline value in respect of the property mentioned in the schedule. Ex.P6 is the affidavit of assets showing the net value of the property as Rs.2,12,82,000/-. Ex.P7 is a copy of paper publication effected in one issue of English Daily "Trinity

Mirror” dated 01.10.2016. Ex.P8 is a copy of paper publication effect in one issue of Tamil Daily “Makkal Kural” dated 22.09.2016.

6. One Mr.D.Arun Kumar, S/o. D.David who is one of the attestors of the Will dated 25.08.2010 was examined as P.W.2. In his evidence, he has stated that he was also present at the time of execution of the Will along with Dr.Iyarkaimani who attested the Will as the second attesting witness in the presence of the Testator. He would further state that the testatrix was in sound, disposing state of mind, memory and understanding at the tie of execution of the Will and that he was also one of the identifying witness at the time of registration of the Will as Doc.No.62 of 2010 at SRO, Villivakkam. Ex.P9 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.

06.01.2017

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