

O.P.No.371 of 2019

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 Original Side Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased R.Padmanabhan ordinarily resided at No.1046, 1st Block, 4th Floor, Osian Chorophyll Apartments, opposite Bye pass service road, Porur, Chennai and died on 28.03.2017. The deceased executed his last Will and Testament on 24.04.2009 in the presence of witnesses, M.Janaki and M. Venkatesh. No executor was appointed under the Will. The petitioner / son of the deceased is the only beneficiary under the Will and the other legal heirs are impleaded as respondents. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.65,00,000/- and the net amount of the said assets after deducting all items, which the petitioner is by way allowed to deduct is of the value of Rs.65,00,000/-.

3. No application has been made to any District Court or Delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to the property and credits.

4. The petitioner examined himself as PW1 and filed proof affidavit, reiterating the averments contained in the petition and marked Exz.P1 to P8,Viz.,

- a) Ex.P1 is the computer generated death certificate of his father R.Padmanabhan, who died on 28.03.2017.
- b) Ex.P2 is the original Will and Testament dated 24.04.2009 executed by his father R.Padmanabhan, registered as Doc. No.13 of 2009 at SRO, Ashok Nagar.
- c) Ex.P3 is the photocopy of Legal Heirship Certificate dated 25.10.2017 in respect of his father R.Padmanabhan
- d) Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.65,00,000/-.
- e) Ex.P5 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 27.08.2019
- f) Ex.P6 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 03.09.2019.
- g) Ex.P7 is the consent affidavit given by the 1st respondent herein stating that she has no objection in the relief sought in the petition by the petitioner.
- h) Ex.P8 is the consent affidavit given by the 2nd respondent herein

stating that she has no objection in the relief sought in the petition by the petitioner.

He has not filed any other petition before any other Court seeking the same relief.

5. One of the attestors of the Will, Mr.M.Venkatesh, was examined as P.W.2. In his evidence, he has stated that the testator is well acquainted with the Testator as a family friend for long time. The testator executed his last Will and Testament on 24.04.2009 (P.W.2) in his presence and in the presence of Mrs. M.Janaki. At his request, he subscribed his signature as the first attesting witness along Mrs.M.Janaki who attested the Will (Ex.P2) as the second attesting witness in the presence of Testator. The Testator was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P1 Will. They have filed an affidavit, in this regard as Ex.P9 and Ex.p10.

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.

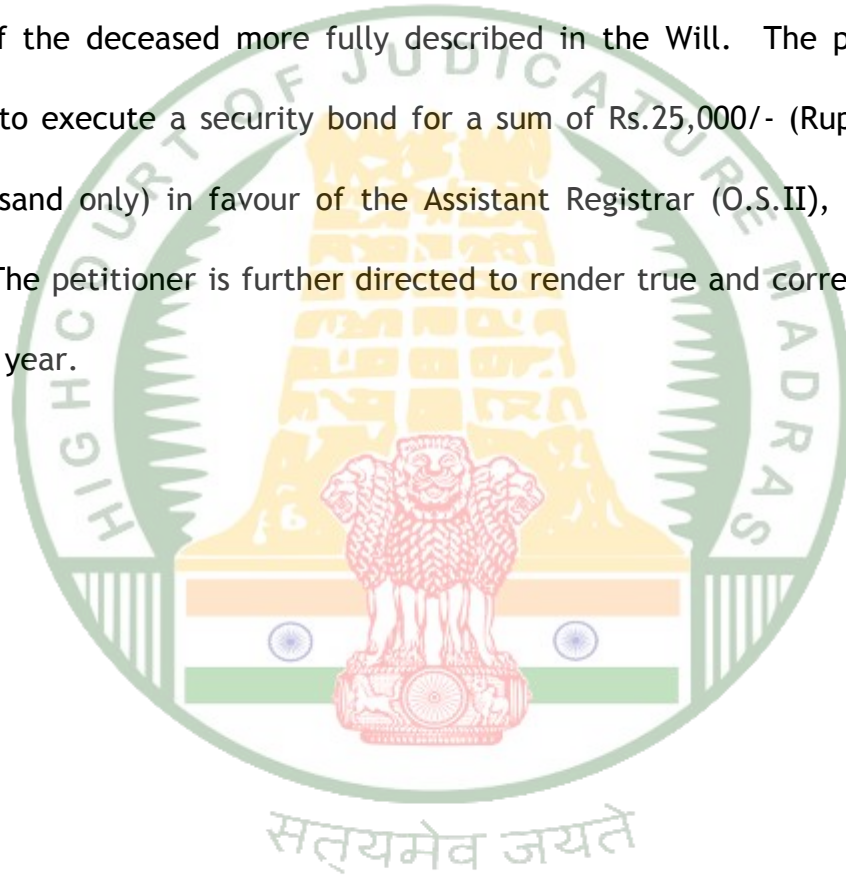
K.KALYANASUNDARAM, J.

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7. Accordingly, this petition is allowed as prayed for. Issue Letters of Administration of the will annexed dated 24.04.2009 herein in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the Will. The petitioner is 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.

21.11.2019

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