

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

DATED, THE 04TH DAY OF JANUARY 2019

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

O.P.No.520 of 2017

In the matter of Indian
Succession Act XXXIX of
1925

and

In the matter of the Last
Will and Testament of
Late S.Visalakshi-
Deceased

Usha Subramanian,
D/o.Late S.E.Krishnan,
Old NO.14, New No.20
Parthasarathy Puram,
North T.Nagar,
Chennai 600 017

...Petitioner

Original Petition praying that this Honble Court be
pleased that the Letters of Administration with the Will
annexed may be granted to the Petitioner as the adopted
daughter/beneficiary Legatee under the Will of the
deceased.

This Original Petition coming on this day before this
court for hearing the court made the following order:

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

2.In the petition, it is stated that the petitioner's

mother S.Visalakshi died on 05.01.2003 at her ordinary
residence at Old No.14, New No.20, Parthasarathy Puram,

T.Nagar, Chennai - 600017. The petitioner is the Daughter of the deceased. The parents of the deceased predeceased her. The deceased was in possession and enjoyment of undivided share of 777 square feet and built up area of 959 square feet, within the jurisdiction of this Court.

3.It is the further case of the petitioner that the deceased executed a Will on 25.04.1993. Under the said Will, he has not appointed any executor. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.50,00,000/- (Rupees fifty lakhs only) and the net amount of the said assets, after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.50,00,000/- (Rupees fifty lakhs only). The petitioner undertake to duly administer the property and credits of the deceased S.Visalakshi and in any way concerning her 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 and also to render to this Court a true 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.

4.The petitioner, who 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 computer generated death certificate of her mother Visalakshi, who died on 05.01.2003.

Ex.P2 is the original unregistered Will and Testament dated 25.04.1993 executed her mother Visalakshi. This Will and Testament has been attested by two attesting witnesses namely T.S.Rama Rao and G.N.Subramanian.

Ex.P3 is the computer generated death certificate of her father S.E.Krishnan, who died on 22.03.2000.

Ex.P4 is the computer generated death certificate of one of the attesting witnesses namely T.S.Rama Rao, who died on 30.06.2011.

Ex.P5 is the original legal heirship certificate dated 19.12.2016 in respect of her deceased mother Visalakshi.

Ex.P6 is the Photocopy of the order for name transfer dated 16.10.2008 issued by the Revenue Officer, Corporation of Chennai. (Witness says that the original of the same has been misplaced).

Ex.P7 is a copy of paper publication effected in one issue of English daily "News Today" dated 21.08.2017.

Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 29.08.2017.

5. One of the attestors of the Will dated 25.04.1993 viz., Vidhya Sudharshan was examined as P.W.2. In her evidence, she has stated that she is third party. She knew the Testatrix Mrs.S.Visalakshi as she was a family friend and closely associated with the deceased. The 1st attesting witness namely T.S.Rama Rao in the Will dated 25.04.1993 is her father-in-law. As Mr.T.S.Rama Rao is her father-in-law, She has seen the signature of the deceased. She identified the signature under the column attesting witness No.1 is that of her father-in-law Mr.T.S.Rama Rao. She was also familiar with the signature of the Testatrix Mrs.S.Visalakshi. She identify the signature in the Will is that of the Testrix Mrs.S.Visalakshi. She has filed her affidavit in this regard. Ex.P.10 is her affidavit.

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 <https://hcservices.ecopet.gov.in/hcservices/> 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.

Sd/.M.K.K.S.J

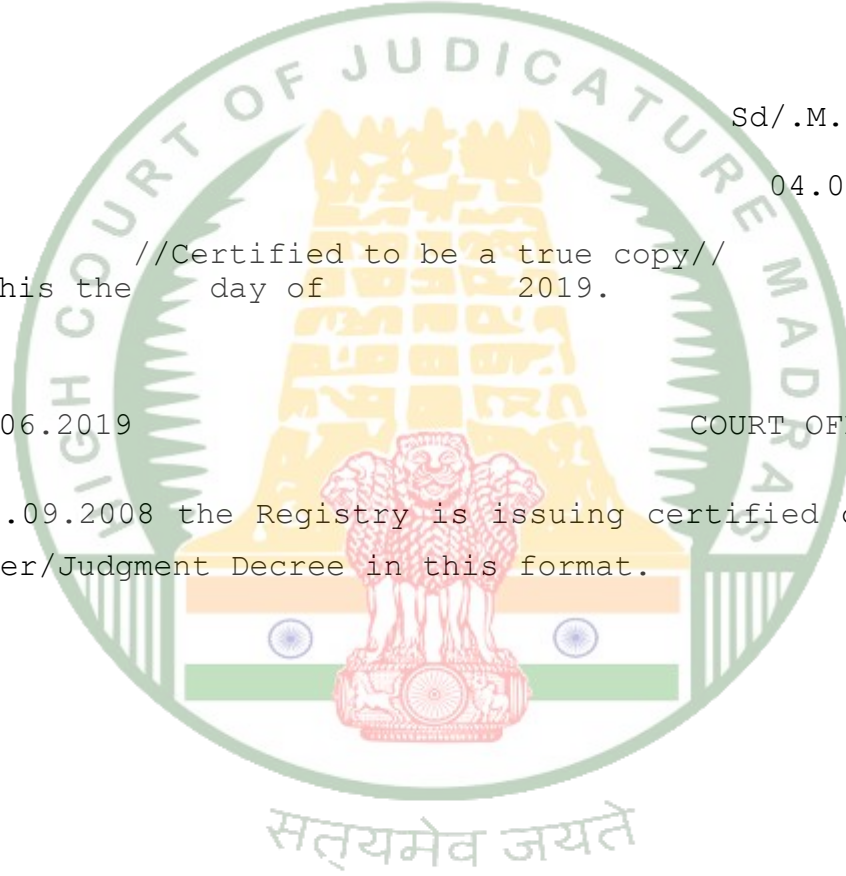
04.01.2019

//Certified to be a true copy//
Dated this the day of 2019.

R.s/27.06.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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