

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF NOVEMBER 2018

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

O.P.No.503 of 2018

In the matter of Indian
Succession Act XXXIX of 1925
And

In the matter of Last
Registered Will and Testament
of Mrs.Poologa Ammal deceased.

Gokula Rao N
S/o Nageswara Rao
No.11/21, Muthiah chetty 2nd Lane
Vijayarasalu Road
Old Washermenpet
Chennai 600 021.

...Petitioner

Shantha Kumari N W/o Nageswara Rao
No.11/21, Muthiah chetty 2nd Lane
Vijayarasalu Road
Old Washermenpet
Chennai 600 021.

...Respondent

Original Petition praying that this Hon'ble Court be pleased to that letter of administration with the will annexed may be granted to him as the grandson beneficiary and legatee under the will of the said deceased having effect throughout limited to the state of Tamilnadu.

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

This Original Petition is filed by the petitioner, Mr.N.Gokula Rao under Sections 232 and 276 of the Indian

Succession Act XXXIX of 1925 read with Order XXV Rule 5 of the High Court Original Side Rules, seeking grant of Letters of Administration in his favour, in respect of the property and credits of the deceased Mrs.Poologa Ammal.

2. Heard, Mr.N.Gokula Rao, the petitioner appearing in person.

3. In the Petition, it is stated that the petitioner is the grandson of the deceased Mrs.Poologa Ammal. The said Mrs.Poologa Ammal died on 21.01.1996 at No.1, Varadha Iyer Street, Seven Wells, Chennai. The deceased was married to one Govinda Swami Naidu, and there were no issues out of the said wedlock. The mother and husband of the deceased predeceased her. It is further stated that the deceased has executed her last Will and Testament, dated 19.10.1994 registered as Document No.110 of 1994, in the presence of two attesting witnesses in favour of the petitioner, who was minor at that relevant point of time but being represented by his mother and natural guardian, Shantha Kumari, the respondent herein. As the petitioner is the beneficiary of the said Will, he has filed this Petition, seeking grant of Letters of Administration in his favour, to which, the respondent, the mother of the petitioner has no objection and she has also filed a consent affidavit to that effect, marked as Ex.R.1. The value of assets, which the petitioner would probably

get, does not exceed more than Rs.55,00,000/- and the net value of the assets, after deduction, which the petitioner by law allowed to deduct is also of the said sum of Rs.55,00,000/. The petitioner undertakes to duly administer the property and credits of the Testatrix, in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend to, and would make a full and true inventory thereof to the Court within six months from the date of grant of Letters of Administration to him. The petitioner further stated that 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. Hence, prays for allowing this Petition.

4. The petitioner examined himself as P.W.1 and filed the following documents, viz., Exhibit Nos. P.1 to P.11 in support of his case:- सत्यमेव जयते

Ex.P.1-The Original registered Will and Testament, dated 19.10.1994, executed by Mrs.Poologa Ammal, which has been attested by two attesting witnesses, viz., G.Vedagiri (P.W.2) and V.Vijayakumari.

Ex.P.2-The computer generated copy of the death certificate of the testatrix Mrs.Poologa Ammal., who died on 21.01.1996.

Ex.P.3-The computer generated photocopy of the death

certificate of Govindaswami Naidu, who died on 15.09.1975.

Ex.P.4 -The photocopy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 11.01.2013.

Ex.P.5 -The computer generated copy of the patta in the name of the testatrix.

Ex.P.6 -The computer generated copy of the patta in the name of the petitioner.

Ex.P.7 -The computer generated copy of the previous patta in the name of the testatrix.

Ex.P.8. The computer generated copy of the encumbrance certificate for the period from 01.01.1987 to 04.02.2018.

Ex.P.9- Affidavit of assets showing the net value of the estate of Rs. 55,00,000/-.

Ex.P.10 -Copy of paper publication effected in one issue of English Daily "News Today" dated 06.09.2018.

Ex.P.11 -Copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 14.09.2018.

5. One of the attestors of the Will, was examined as P.W.2, and he stated that the Testatrix executed her last Will and Testament on 19.10.1994, in his presence and in the presence of his wife V.Vijayakumari, who subscribed her signature as the second attesting witness. P.W.2 further stated that, while executing the Will, the Testatrix was in a sound and disposing state of mind, memory, understanding and in good health. Ex.P.12 is the affidavit filed by him

in this regard.

6. Considering the averments made in the petition and on perusing the materials available on record, coupled with the fact that the respondent has filed consent affidavit, marked as Ex.R.1 stating that she has no objection for the grant of Letters of Administration in favour of her son, the petitioner herein, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

7. Accordingly, this petition is ordered. 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.

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

16.11.2018

//Certified to be a true copy//

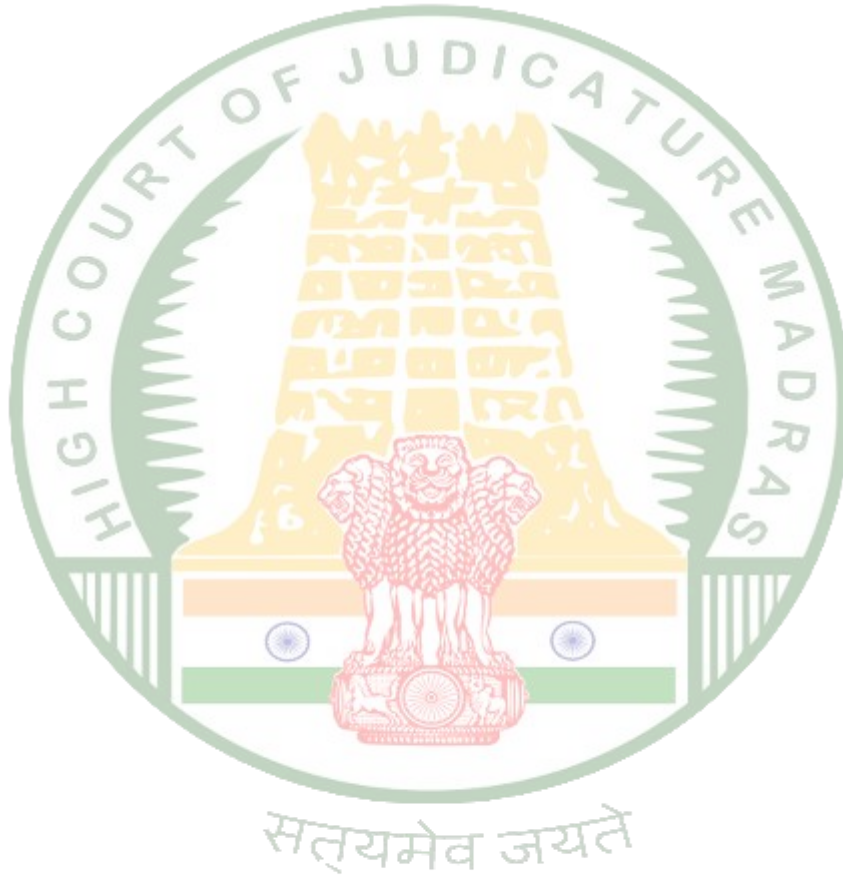
Dated this the th day of 2018.

DL/29.11.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified

copies of the Order/Judgment Decree in this format.



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