

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

SATURDAY, THE 28TH DAY OF APRIL 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.28 of 2016

In the matter of the Indian
Succession Act XXXIX of 1925
And

In the matter of the Last Will
and Testament of
Mrs.Bakkiammal, W/o.Manjan -
Deceased

1. Mr.P.Kandeepan,
S/o.Late Mr.Ponnambalam,
Res:No.44, Brslee Nagar,
Otteri, Chennai 600 012

2. Mr.P.Balakrishnan,
S/o.Late Mr.Ponnambalam,
Res:No.44, Brslee Nagar,
Otteri, Chennai 600 012

3. Mrs.Helenadevi,
D/o.Late Mr.Ponnambalam,
Res:No.44, Brslee Nagar,
Otteri, Chennai 600 012

...Petitioners

Original petition Application praying that this Hon'ble Court be pleased to that the letter of administration, the will annexed may be granted to them as the grant children of the legatee under the will of the said deceased Mrs.Bakkiammal having effect limited to the State of Tamil Nadu may be granted to the petitioners.

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 read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of

2. This petition has been filed for grant of Letter Administration in respect of the Will executed by one Bakkiammal. The petitioners are the grand children of the said Bakkiammal through her only daughter Parvathi. The petition mentioned property originally was owned by the said Bakkiammal and she had executed the Will bequeathing the property in favour of her only daughter Parvathi. The said Parvathi died on 14.04.1993 and her husband predeceased her on 14.01.1989. The petitioners 2 to 4 have given consent affidavit stating their no objection for grant of Letters of Administration in favour of the first petitioner.

3. The first petitioner hereby undertakes to duly administer the specified property and credits of the deceased in any way concerning her Will by paying her debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this

Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date. To the best of the petitioners' knowledge, no application has been made to any District Court or to any other High Court for probate of the any Will of the deceased or for any Letters of Administration with or without the Will annexed to her property and credits.

5. The first petitioner examined himself as P.W.1 and has also filed proof affidavit in support his claim and he had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Bakkiammal

on 18.06.1979. The petitioner marked Exs.P-1 to P-11. P.W.2 was examined to identify the signature of the attesting witness. The Will is a registered one.

6. Ex.P.1 is the death certificate of Bakkiammal. Ex.P.1 proves the fact that the said Bakkiammal died on 04.07.1981. Ex.P.2 is the original Will executed by Bakkiammal. Ex.P.3 is the death certificate of the grand father of the petitioners namely Manchan. Ex.P.3 proves the fact that the grand father of the petitioners predeceased Bakkiammal on 05.01.1967. Ex.P.4 is the death certificate of the petitioners father Ponnambalam. Ex.P.4 reveals the fact that the petitioners father died on 14.01.1989. Ex.P.5 is the death certificate of the petitioners' mother Parvathi and the same shows the fact that the petitioner's mother Parvathi died on 14.04.1993. Ex.P.6 is filed to prove the death of one of the attesting witness, Nallathambi, on 11.02.2000. Ex.P.11 is the legal heir certificate of the petitioners' mother Parvathi. Ex.P.2 is the affidavit filed by P.W.2 stating that herself and the attesting witnesses were residing in the same place and signature of the attesting witnesses were known to her. The petitioners 2 to 4 have also given their consent to issue Letters of Administration in favour of the petitioner. Publication also has been taken out in this petition, but none have objected for the same.

7. In view of the above facts, I am of the view that the petitioners have established the execution and attestation of the Will and hence, the first petitioner is entitled to the issuance of Letters of Administration in his favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the first

petitioner. The first petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The first 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 first petitioner is further directed to render true and correct accounts once in a year.

Sd/.N.S.K.J

28.04.2018

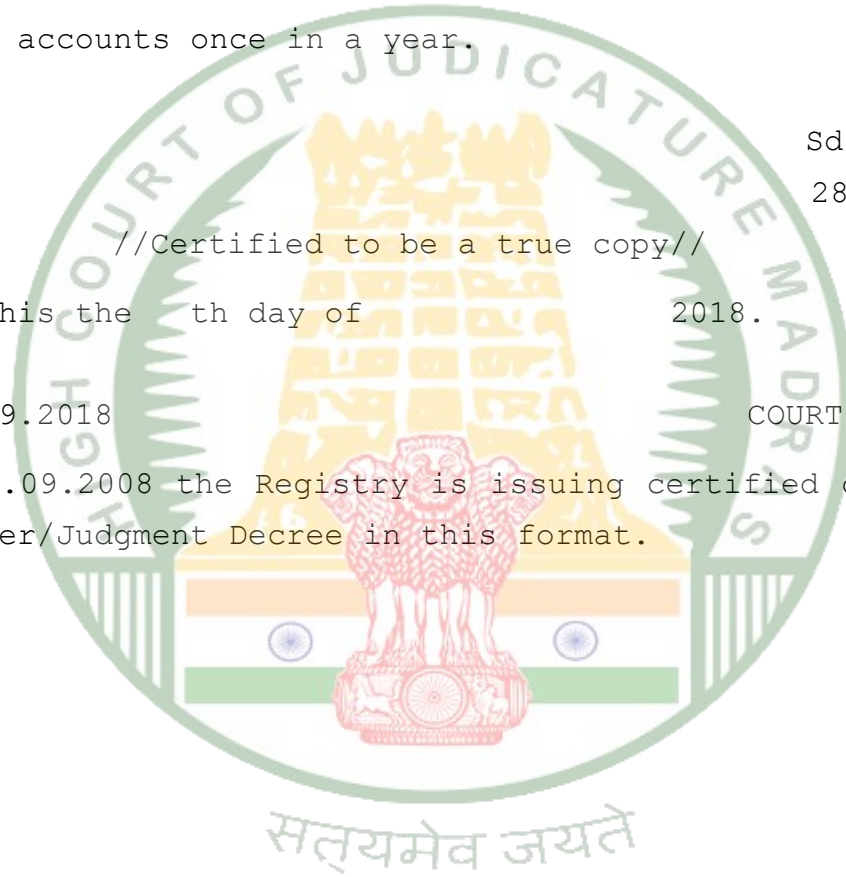
//Certified to be a true copy//

Dated this the th day of 2018.

KY/05.09.2018

COURT OFFICER

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



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