

O.P.No.801 of 2016**N.SATHISH KUMAR, J.**

This Petition has been filed 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 for grant of Letters of Administration.

2. In the petition, it is stated that the deceased G.Chandran @ Chandaramurthy, died on 31.03.1997 and was ordinarily residing at No.9, Mosque Garden, Joners Road, Saidapet, Chennai 600 015. The deceased executed his last Will and Testament dated 12.09.1996 and no executor has been appointed under the said Will.

3. The petitioners submit that the deceased G.Chandran @ Chandaramurthy, who died at Madras on 31.03.1997 was the father of the petitioners 1 to 3 and grand father of the 4th petitioner. The property at No.9, Mosque Garden, Joners Road, Saidapet, Chennai 600 015, morefully described in the Schedule hereunder which is the subject matter of the Will was bequeathed

to the petitioners herein, the Sons and daughters of deceased G.Chandran @ Chandaramurthy, under a Will dated 12.09.1996 and registered Doc.No.54 of 1996, at SRO, Madras South.

4. The deceased G.Chandran @ Chandaramurthy is the father of the petitioners 1,2 & 3 and the 4th petitioner is the grand son. By the above said Will, the deceased had bequeathed the immovable property to the petitioners. The deceased left the petitioners as his 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.28,00,000/- 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.28,00,000/-. The petitioners undertook to duly administer the property and credits of the deceased G.Chandran @ Chandaramurthy in any way concerning his 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. 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 1st petitioner, examined himself as P.W.1 and P.W.2 is G.Nagendran, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P9.

(1) Ex.P1 is the original death certificate of his father G.Chandran @ Chandramurthy who died on 31.03.1997.

(2) Ex.P2 is the original Will executed by his father G.Chandran @ Chandaramurthy on 12.09.1996 registered as Document No.24 of 1996 at SRO Madras South. (This Will has been attested by two attesting witnesses namely G.Nagendran and A.Nithiyanandan).

(3) Ex.P3 is the original of Legal Heir ship certificate dated 13.05.1997 in respect of his father G.Chandran @ Chandaramurthy.

(4) Ex.P4 is the death certificate of his mother Kanagavalli who died on 07.11.1997.

(5)Ex.P5 is the Legal Heir ship certificate dated 05.03.1998 in respect of his deceased mother Kanagavalli.

(6)Ex.P6 is the affidavit of assets showing the net value of Estate as Rs.28,00,000/-.

(7)Ex.P7 is the Publication in Trinity Mirror dated 28.02.2017.

(8)Ex.P8 is the Publication in Makkal Kunral dted 06.03.2017.

(9)Ex.P9 is the consent affidavit given by the son in law of the deceased G.Chandran @ Chandaramurthy stating that he has no objection in grant of letters of administration in his favour.

6. One Mr.G.Nagendran, s/o.Late.Gopalakrishnan who is one of the attestors of the Will dated 12.09.1996 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 Mr.A.Nihiyanandan who attested the Will as the second attesting witness in the presence of the Testator. He would further state that the testator was in sound, disposing state of mind, memory and understanding at the time of execution of the Will and that he was also one of the identifying witness at the time of registration of the Will. 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 petitioners are entitled to the issuance of Letters of Administration.

8. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

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