

O.P.No.1026 of 2017**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Sections 232, 242 and 276 of the Indian Succession Act, 39 of 1925, read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant Letters of Administration jointly with the Will annexed to the Power of Attorney for the use and benefit of the principal of the petitioner until he shall apply and obtain letters of Administration to himself.

2. Heard the Learned Counsel for the Petitioner.

3. In the Petition, it is stated as follows:-

(i) The Petitioner submits that, B.A.Nandagopal (deceased), who died on 12.09.2015 permanently resided at AL 217-3, 14th Main Road, Anna Nagar, Chennai-600 040. At the time of his death, the deceased was residing at the same address, which falls within the jurisdiction of this Hon'ble Court.

(ii) The Petitioner submits that the writing have to annexed and marked as Letter "A" in the Last Will and Testament dated 24.06.2015 registered in document No.72/III/2015, before S.R.O., Anna Nagar,

which was duly executed by Mr.B.A.Nandagoal (deceased), the petitioner have right over the estate of B.A.Nandagopal and the petitioner is the sole beneficiary under the Will dated 24.06.2015.

(iii) The Petitioner submits that B.A.Nandagopal executed a Will on 24.06.2015 in favour of Dr.Mepur H.Ravindranath, who is his sister's son, since he was a bachelor as such he has no direct legal heirs. His parents predeceased long ago. The petitioner is the only beneficiary of the deceased B.A.Nandagopal, who could succeed the estate of B.A.Nandagopal as per Will dated 24.06.2015, registered as document No.72/2015 of Book III in the Office of Sub-Registrar, Anna Nagar, Chennai-600 040.

(iv). The petitioner submits that the deceased at the time of his death, owned pension arrears, Savings Bank Account in C.C.Bank. In the Affidavit of assets filed herewith, the total value of the suit assets come to a sum of Rs.16,29,122.50 (Rupees Sixteen lakhs twenty nine thousand one hundred and twenty two and paise fifty only). The petitioner being the only legal heir and beneficiary under the Will dated 24.06.2015 of the deceased B.A.Nandagopal, entitled to have all the assets mentioned in the Affidavit of assets.

(v). The value of the assets which is likely to come to the Petitioner's hand does not exceed in the aggregate the sum of Rs.16,29,122.50 (Rupees Sixteen lakhs twenty nine thousand one hundred and twenty two and paise fifty only) and that the net amount after deducting all the items for which the Petitioner is by law allowed to deduct is only of the value of Rs.16,29,122.50 (Rupees Sixteen Lakhs twenty nine thousand one hundred and twenty two and paise fifty only).

(vi). The petitioner submits that the deceased B.A.Nandagopal also owned immovable properties and those properties have already been settled in favour of the the petitioner by way of a settlement deed dated 29.06.2015, registered in Document No.1818/2015 in the office of the Sub-Registrar, Anna Nagar, Chennai.

4. It is submitted that no application for Letters of Administration in respect of any security belonging to the estate of the said deceased has been made to any District Court or to any High Court and no application has been filed before any Court for Letters of Administration with or without Will annexed thereto.

5. The petitioner undertakes to duly administer the property and credits of the deceased B.A.Nandagopal in any way concerning the Will by paying first his debts and then the legacies therein bequeathed, so far as the assets will extent and to make a full and true inventory thereof to the Court within six months from the date of grant of Letters of Administration with the Will and also to render to this Court a true account of the said property and credits within one year from the said date.

6. The Power Agent of the Petitioner herein, who examined himself as P.W.1, reiterated the averments made in the petition and filed proof affidavit and marked the following documents:-

SL.No	Exhibits	Documents
1	Ex.P.1	Photocopy of power of attorney dated 17.07.2017 given by petitioner in his favour.
2	Ex.P.2	Computer generated copy of the death certificate dated 12.11.2015 of B.A.Nandagopal, who died on 12.09.2015.
3	Ex.P.3	Original Will executed by the Testator B.A.Nandagopal on 24.06.2015 registered doc.No.72 of 2015 at SRO, Anna Nagar, Chennai.
4	Ex.P.4	Photocopy of pass book bearing account No.8323 new No.203016759 in CC Bank Anna Nagar Branch which stands in the name of deceased B.A.Nandagopal
5	Ex.P.5	Photocopy of post Office savings bank passbook in Anna Nagar Post Office bearing account No.1040301171 which stands in the name of deceased B.A.Nandagopal. (Marked after comparing and verifying with the original).

SL.No	Exhibits	Documents
6	Ex.P.6	Photocopies of letters from pension pay Officer Chennai-6 in respect of arrears of pension to be paid to the petitioner in respect of the last Will and Testament executed by the deceased B.A.Nandagopal
7	Ex.P.7	Photocopy of share certificate bearing certificate No.3194 in Mercantile Ventures Limited which stands the name of deceased B.A.Nandagopal along with the copy of letter dated 09.03.2015 from Mercantile Ventures Limited. (Marked after comparing and verifying with the original)
8	Ex.P.8	Photocopy of letter dated 20.11.2013 from Karvy Computershare Private Limited along with Photocopy of share certificate bearing account No.FOLIO-IDF0013261 and certificate No.13261 dated 11.04.2012 which stands in the name of B.A.Nandagopal (Marked after comparing and verifying with the original)
9.	Ex.P.9	Affidavit of assets showing the net value of estate as Rs.16,29,122.50/-
10.	Ex.P.10	Copy of settlement deed dated 28.04.2015 executed by B.A.Nandagopal in favour of petitioner registered as doc.No.1818 of 2015 at SRO, Anna Nagar.
11.	Ex.P.11	(Series 2 Nos) Copies of paper publication effected in one issue of Tamil Daily "Malai Sudar" dated 17.02.2018 and in one issue of English daily "News today" dated 24.02.2018

7. The evidence of P.W.2 [Mr.S.Paulraj] shows that he knows the testator B.A.Nandagopal who was his friend and he well acquainted with him. The testator executed his Last Will and Testament on 24.06.2015 (Ex.P.3) in his presence and in the presence of Mrs.L.Manimekalai. At his request, he subscribed his signature as the First attesting witness along with Mrs.L.Manimekalai, who attested the Will (Ex.P.3) as the second attesting witness in the presence of the Testator. He states that he saw the Testator subscribing his signature

at the foot of every page of Ex.P.3 Will. The Testator was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will Ex.P.3 and the Will, registered as Doc. No.72 of 2015 before the SRO, Anna Nagar. Ex.P.12 is his affidavit as attesting witness in this regard.

8. On a perusal of the contents of the Petition corroborated by the aforesaid documents marked and deposition of P.W.1 and P.W.2, in the absence of any contra evidence, it has been proved that the Petitioner Dr.Mepur H.Ravindranath is entitled to be granted Letters of Administration of the Will executed by the deceased B.A.Nandagopal.

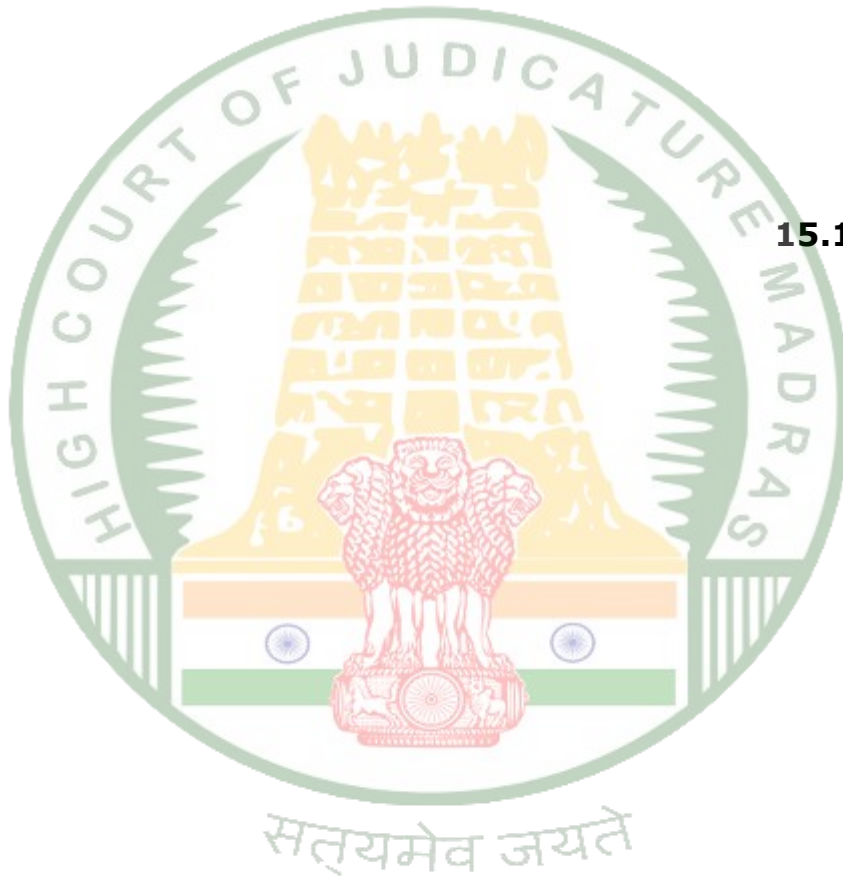
9. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

10. The Petitioner shall duly administer the properties and credits of the deceased more fully described in the Schedule annexed to the Petition. 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 by 31st March of every year.

11. Accordingly, the Original Petition is Allowed on the aforesaid terms.

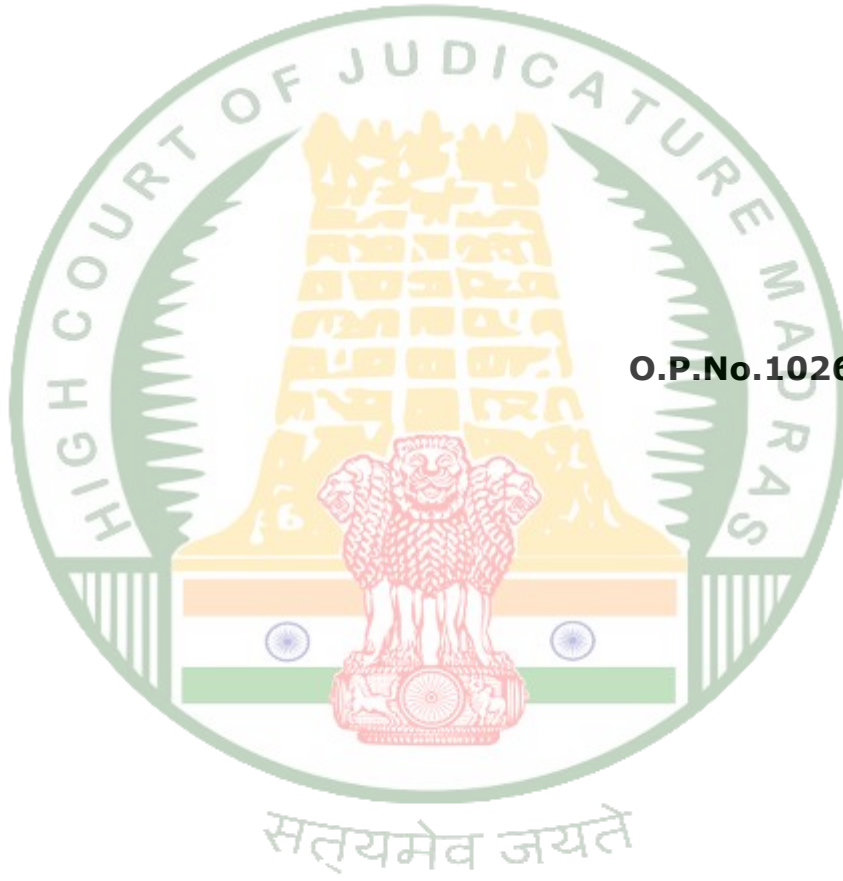
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