

O.P.No.361 of 2001

and

A.No.7752 of 2018

K.KALYANASUNDARAM, J.

This Petition has been filed for grant of Letters of Administration under Sections 237 & 276 of the Indian Succession Act, Order XXV Rule 4 of O.S.Rules in favour of the petitioner.

2.The deceased Pattammal alias Muniammal ordinarily resided at No.20-B, Aziz Mulk 2nd street, Thousand Lights, Chennai and died on 14.03.1994, and he possessed property within the jurisdiction of this Court. The petitioner and 2nd respondent are the daughters of the deceased and the respondents 3 to 5 are the legal representatives of the deceased first respondent, viz. Ravi, who is the son of the pre-deceased daughter of the deceased Pattammal alias Muniammal. The deceased executed her last Will and Testament on 27.03.1991, in the presence of the witnesses. Mr.N.Chakkarapani, who is the husband of the petitioner, has been appointed as an executor and he died on 18.01.1997. The petitioner has impleaded all the next of kin or other persons interested as parties/respondents. There is no other next of kin or other persons interested to be impleaded. It is further stated that the executor of the Will, namely, the deceased husband of the

petitioner has filed O.P.No.701 of 1995 and the original Will has been filed in the said Original Petition.

3. The deceased Testator had left his residential house, which she had purchased during his life time, morefully described in the schedule. The deceased was in possession and enjoyment of the said property till her death. The amount of assets which are likely to come into the hands of the petitioner does not exceed in the aggregate sum of Rs.1,74,563.45 and the net amount of said assets, after deducting all items which the petitioners are by law allowed to deduct, is of the value of Rs.1,74,563.45.

4. No application has been made to any District Court or delegate or any other High Court for probate or for Letters of Administration with or without the Will or codicil annexed to her properties or credits. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning his Will by paying first his debts and then the legacies therein bequeathed as far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of Letters of Administration and also to render to this Court a true account of the said property and credits within one year from the said

date.

5. The petitioner examined herself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to Ex.P8.

- a) Ex.P1 is the original death certificate of her mother pattammal @ Muniyammal, who died on 14.03.1994.
- b) Ex.P2 is the photocopy of the Will and Testament dated 27.03.1991 executed by her deceased mother Muniyammal @ Pattammal, which was registered as Doc.No.10 of 1991 on the file of the office of the Sub-Registrar, thousands Lights, which has been attested by two attesting witnesses namely Mr.R.Mani and 2.Mr.M.Vedagiri.
- c) Ex.P3 is the original Legal Heirship certificate dated 26.09.1994 in respect of her deceased mother Pattammal @ Muniyammal.
- d) Ex.P4 is the original death certificate of her husband N.Chakrabani Nayker, who died on 08.01.1997.
- e) Ex.P5 is the original Legal Heirship Certificate dated 09.05.2005 in respect of her deceased husband N.Chakrabani Naykar.
- f) Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.1,74,563.45/-.
- g) Ex.P7 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 04.05.2018.
- h) Ex.P8 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 11.05.2018.

She has further stated that she has not filed any other petition before

any other court seeking the same relief.

6. Mrs.Leela, who is the wife of one of the attestors of the Will, viz. R.Mani, was examined as P.W.2. In her evidence, she stated that her husband R.Mani, was one of the attesting witness to the Will [Ex.P2] and he died on 29.08.2001. She has also filed Ex.P9, photocopy of death certificate of her deceased husband and Ex.P10, photocopy of Legal Heirship certificate dated 27.09.2002. She has also identified the signature found in the witness column in column No.1 of the Will [Ex.P2] as that of signature of her deceased husband.

7.The second respondent, Malliga, was examined as R.W.1. In her evidence, she has stated that she has no objection for grant of Letters of Administration in favour of the petitioner. She has filed the consent affidavit in that regard, which is marked as Ex.R1. Ex.R2 to Ex.R4 is the consent affidavits filed by the respondents 3 to 5.

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

9. Accordingly, this petition is allowed. 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 Will. 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. consequently, connected application is closed.

vsn

24.09.2019

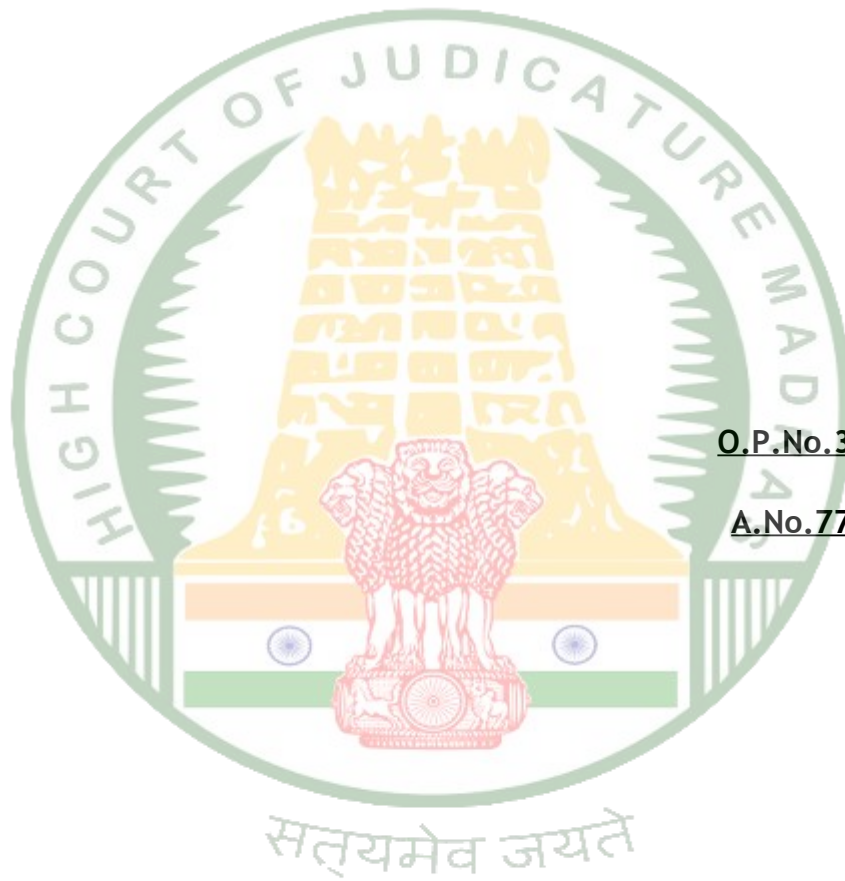


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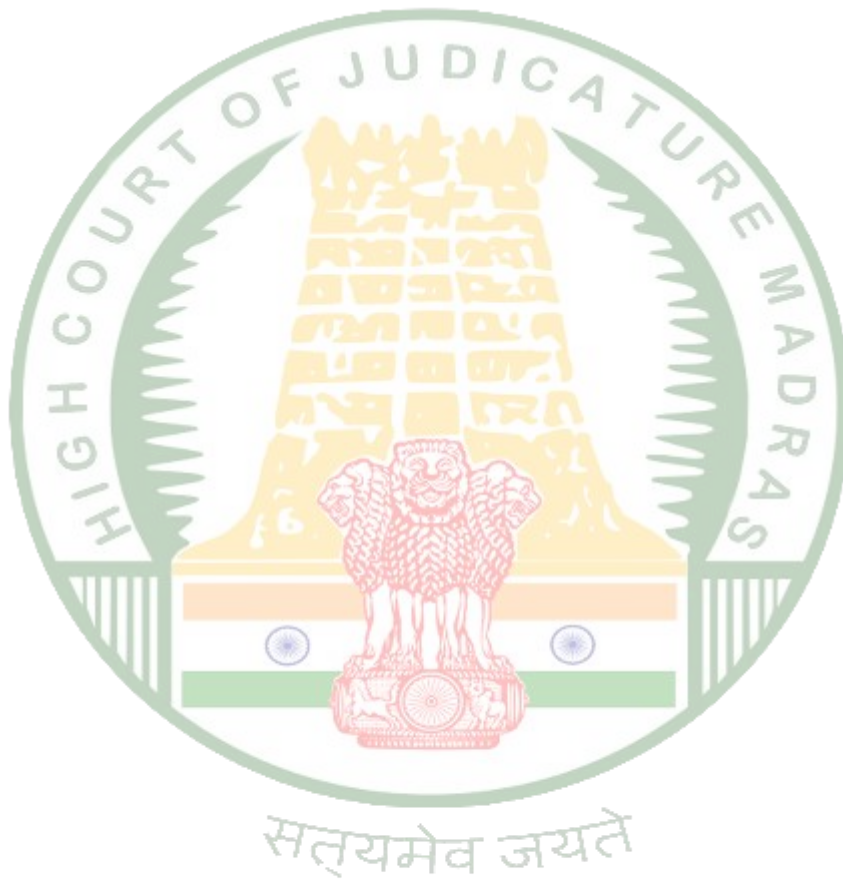
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