

O.P.No.405 of 2019

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 and Order XXV Rule 5 of O.S. Rules, 1956 for grant of Letters of Administration.

2.In the petition, it is stated that the deceased T.R.Krishnamurthy died on 13.07.2014. The petitioner is the niece of the deceased T.R.Krishnamurthy and the respondent is the wife of the deceased. The parents of the deceased T.R.Krishnamurthy predeceased him. The respondent is the only legal heir of the deceased and they do not have any issues. The deceased executed his last Will and Testament on 05.02.2009 in the presence of witnesses Mr.Mr.S.Muthukrishnan and Mrs.S.Uma. No executor was appointed under the Will.

3.The amount of assets which are likely to come in to the petitioner's hands do not exceed in the aggregate sum of Rs.85,00,000/- 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.85,00,000/-.

4.It is further stated that the respondent has no objection for allowing this petition and she has also filed the consent affidavit in that regard. 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 his 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 P9.

- 1) Ex.P1 is the original unregistered Will and Testament dated 05.02.2009 executed by Mr.T.R.Krishnamurthy, which has been attested by two attesting witnesses, namely, 1.Mr.S.Murthukrishnan and 2.Mrs.S.Uma.
- 2) Ex.P2 is the computer generated copy of the death certificate of Mr.T.R.Krishnamurthy, who died on 13.07.2014.

- 3) Ex.P3 is the photocopy of the Legal Heirship Certificate dated 29.10.2014 in respect of Mr.T.R.Krishnamurthy.
- 4) Ex.P4 is the photocopy of the property tax demand card in the name of Mr.T.R.Krishnamurthy.
- 5) Ex.P5 is the computer generated copy of the guideline value of the property.
- 6) Ex.P6 is the consent affidavit given by the respondent.
- 7) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.85,00,000/-.
- 8) Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 01.09.2019.
- 9) Ex.P9 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 08.09.2019.

She has further stated that she has not filed any other petition before any other court seeking the same relief.

6. One of the attestors of the Will, Mr.S.Muthukrishnan, was examined as PW2. In his evidence, he has stated that the testator Mr.T.R.Krishnamurthy was his mother-in-law's brother-in-law. He had further stated that the testator executed his last Will and Testament (Ex.P1) on 05.02.2009 in his presence and in the presence of Mrs.S.Umar. At request of the Testatrix, he subscribed his signature as the first attesting witness along with Mrs.S.Uma, who attested the Will as the second attesting witness. The Testator was in a sound and disposing

state of mind, memory and understanding at the time of execution of Ex.P1 Will. He has filed an affidavit Ex.P10 in that regard.

7.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.

8.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 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.

सत्यमेव जयते

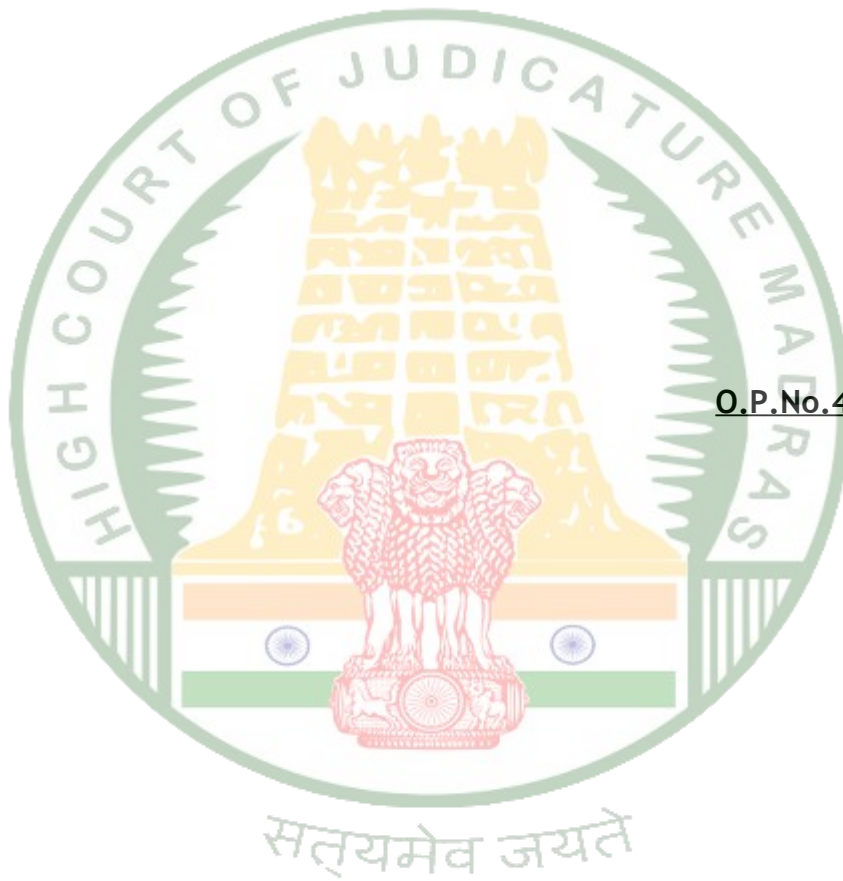
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