

O.P.No.474 of 2005

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act r/w Order XXV Rule 5 of Madras High Court Original Side Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased A.Ellapan, father of the first petitioner was ordinarily resided at Plot No.16-B, Door No.8, Bajanai Koil 1st Street, Arunachalapuram, Adyar, Chennai and died on 17.12.1998 at his residence. The deceased executed his last Will and Testament on 05.05.1998, registered as Document No.51, on the file of SRO Adyar, Chennai. No Executor was appointed under the said Will. The wife of the deceased pre-deceased him. The deceased left the petitioners and the respondents as his legal heirs.

3. The amount of assets which is likely to come into the petitioners hands does not exceed in the aggregate sum of Rs.5,00,000/-and the net amount of the said assets, after deducting all items, which the petitioners are by law allowed to deduct is only of the value of Rs.4,95,000/-. The petitioners

undertake 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 so 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 with the Will annexed to the petition and also to render to this Court a true account of the said property and credits within one year from the said date.

4. The second petitioner examined herself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to 11.

- a) Ex.P1 is the original Will executed by her father-in-law A.Ellappa Naickkar on 05.05.1998 registered as Doc.No.51 of 1998 at SRO, Adyar.
- b) Ex.P2 is the original death certificate of her father-in-law A.Ellappan, who died on 17.12.1998.
- c) Ex.P3 is the original Legal Heirship dated 04.10.2002 in respect of her father-in-law A.Ellappan.
- d) Ex.P4 is the computer generated death certificate of her husband Jayavel (who was initially the first petitioner), who died on 19.04.2017.
- e) Ex.P5 is the original Legal Heirship certificate dated 01.08.2017 in respect of her husband Jayavel.

- f) Ex.P6 is the photocopy of family card for the period 1998-2003.
- g) Ex.P7 is the consent affidavit given by the 2nd respondent herein stating that she has no objection in grant of Letters of Administration as prayed for.
- h) Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.4,95,000/-.
- i) Ex.P9 is a copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 15.02.2019.
- j) Ex.P10 is a copy of paper publication effected in one issue of English Daily "News Today" dated 22.02.2019.
- k) Ex.P11 is the photocopy of receipt bearing No.093115 given by Sub-Registrar, Adyar for the registration of the Will dated 05.05.1998.

(Notice has been issued to the respondents 4 to 6, but so far, they have not chosen to appear either in person or through a counsel)

5. One Mr.G.Venkatesan, a third party, examined himself as PW2 and stated that the second attesting witness, viz., P.S.Kumar in the Will, Ex.P1 is his brother-in-law. As he is familiar with the signature of P.S.Kumar, he identified his signature found in the second attesting witness column in the Will. Ex.P12 is his affidavit in that regard.

6. Mr.P.P.Purushothaman, learned counsel appearing for the third

respondent would submit that he has already given change of vakalat and a memo dated 26.11.2018 was already filed to that effect. The memo is take on file.

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 as prayed for. 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 Will. The petitioners are 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.

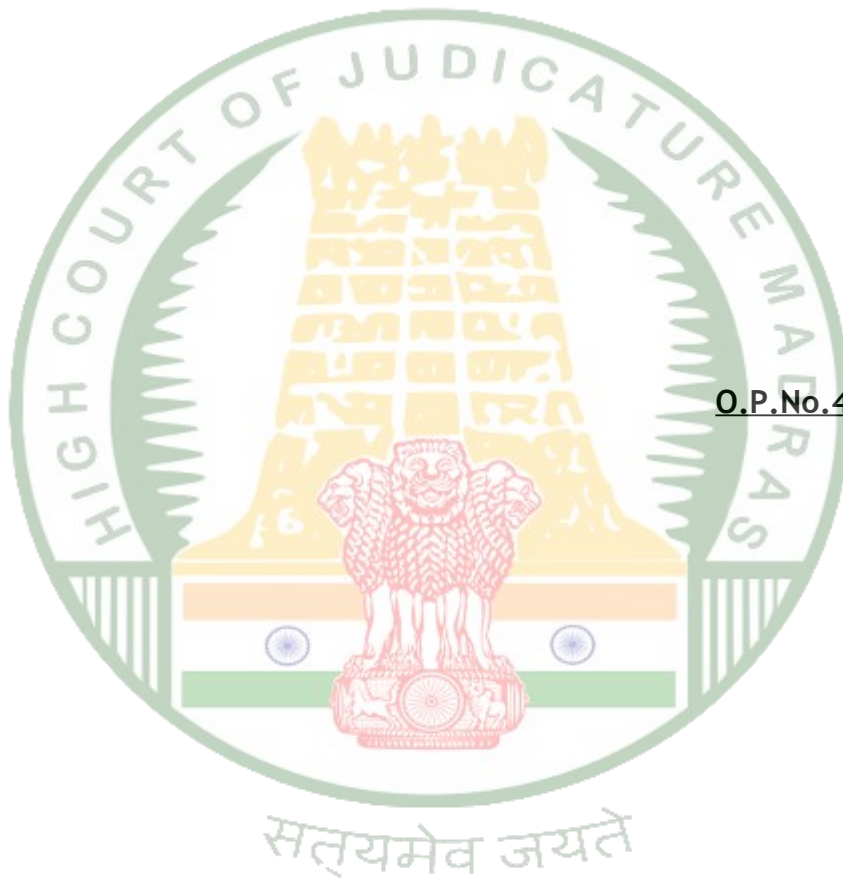
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