

O.P.No.525 of 2019

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 232 and 276 of Part X of the Indian Succession Act read with Order XXV Rule 5 of the High Court Original Side Rules of 1956 for grant of Letters of Administration.

2. In the petition, it is stated that the deceased Rukmani was ordinarily residing at Old NO.10/3, New No.30, Vadivelu Street, Kattabomman Block, Jafferkhanpet, Chennai and died on 08.11.2012. The parents and the husband of the deceased predeceased her. The deceased executed her Will at Chennai on 15.06.2006, which was registered as Document No.35 of 2006 in Book III on the file of the Sub-Registrar, Ashoknagar in the presence of the witnesses.

3. The deceased died leaving behind her only son Ezhumalai as her surviving legal heir and the petitioners are the daughters of the said Ezhumalai. The Will has been executed in favour of Ezhumalai and the property to be enjoyed by him during his lifetime without any power of alienation and thereafter it devolves upon the petitioners. No executor has been appointed under the Will. Since the original Will was misplaced, the

petitioners have filed the certified copy of the Will. The amount of assets which comes to the hand of the petitioners does not exceed in the aggregate sum of Rs.30,00,000/- and the net amount of the said assets after deducting all items which the petitioners are by law allowed to deduct is of the value of Rs.29,90,000/-.

4. No application has been made to any District Court or Delegate or to any other High Court for Probate or for Letters of Administration of any Will of the deceased with or without the Will annexed to the property and credits.

5. 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 P7.

- a) Ex.P1 is the certified copy of the Will dated 15.06.2006 executed by P.Rukmani Ammal, which has been attested by two attesting witnesses, viz., 1. Mr.C.Raman and 2. Shanthi. Ex.P1, Will was registered as Doc.No.35 of 2006 on the file of the office of the Sub Registrar, Ashok Nagar.
- b) Ex.P2 is the computer generated copy of the death certificate of P.Rukmani, who died on 08.11.2012.
- c) Ex.P3 is the copy of the paper publication effected in respect of the missing of original documents.

- d) Ex.P4 is the original Police Certificate dated 17.09.2014 issued by the Sub Inspector of Police, J3 Guindy Police Station (Crime), Chennai 32.
- e) Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.29,90,000/-.
- f) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 27.08.2019.
- g) Ex.P7 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 03.09.2019.

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.C.Raman, was examined as PW2. In his evidence, he has stated that he is well acquainted with Testatrix and the deceased executed her last Will and Testament on 15.06.2006 in his presence and in the presence of Mrs.Shanthi. At request of the Testatrix, he subscribed his signature as the first attesting witness along with Mrs.Shanthi, who attested the Will as the second attesting witness. The Testatrix was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will. He is also one of the identifying witness to the Will at the time of registration of the Will before the SRO, Ashok Nagar. He has filed an affidavit Ex.P8 in that 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 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.

15.11.2019

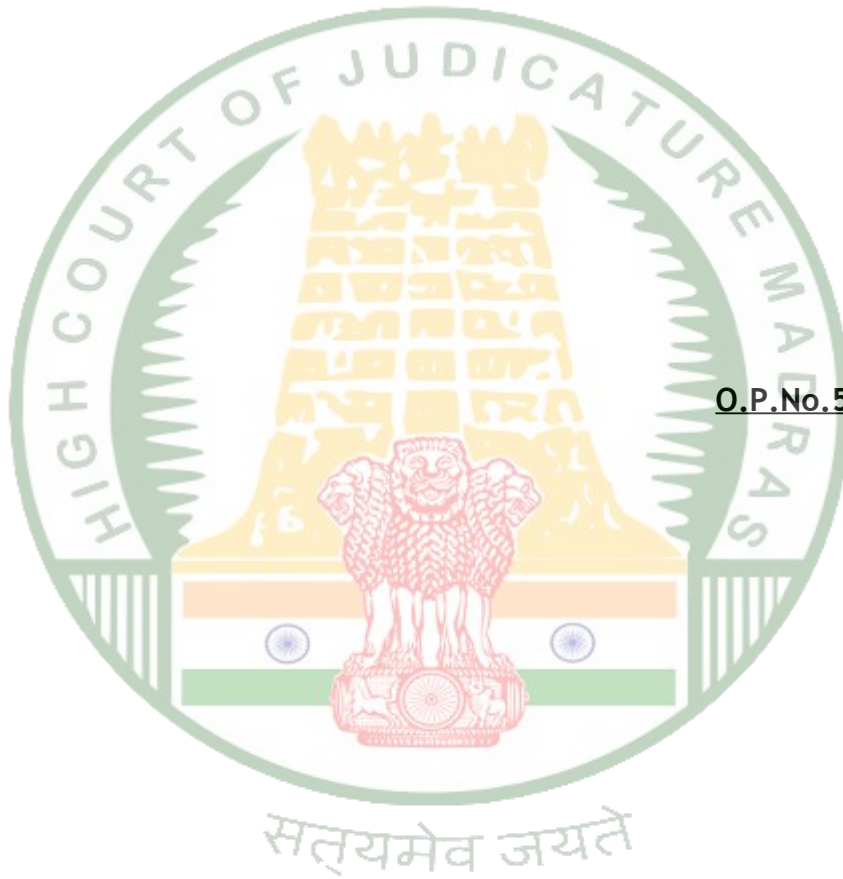
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