

O.P.No.513 of 2015

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 petitioner's father F.Rajendiran died on 21.05.2006 at his residence at No.40, Kaboor Street, Royapettah, Chennai - 600 014.. The respondents 1 to 4 are the sons and daughters of Late Andrews, who is the elder brother of the petitioner and the 5th respondent is the brother of the petitioner. The deceased executed his last Will and Testament on 14.06.2001 in the presence of witnesses Mr.Joshi Andrews/2nd respondent herein and Mr.R.Joseph Devister/5th respondent herein and the same was registered as Doc.No.27 of 2001 on the file of Sub Registrar, Triplicane, Chennai. 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.10,00,000/- 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.9,99,000/-.

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 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 P8.

- 1) Ex.P1 is the computer generated death certificate of my father F.Rajendiran, who died on 21.05.2006.
- 2) Ex.P2 is the certified copy of Will dated 14.06.2001 executed by my father F.Rajendiran registered as Doc.No.27 of 2007 at SRO, Triplicane.
- 3) Ex.P3 is the photocopy of the Legal Heirship Certificate dated

23.01.2007 in respect of my father F.Rajendiran.

- 4) Ex.P4 is the photocopy of my Identity card for proof of address.
- 5) Ex.P5 is the certified copy of Encumbrance Certificate dated 07.04.2010 in respect of the property mentioned in the petition for the period 01.01.2000 to 06.04.2010.
- 6) Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.9,99,000/-.
- 7) Ex.P7 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 20.02.2018.
- 8) Ex.P8 is a copy of paper publication effected in one issue of English daily "News Today" dated 27.02.2018.

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.Joshi Andrews/2nd respondent herein, was examined as PW2. In his evidence, he has stated that the deceased executed his last Will and Testament (Ex.P2) on 14.06.2001 in his presence and in the presence of Mr.R.Joseph Devister. At request of the Testatrix, he subscribed his signature as the second attesting witness along with Mr.R.Joseph Devister, who attested the Will as the first attesting witness. The Testatrix was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P2 Will. He has filed an affidavit Ex.P9 in that regard.

7.Despite the service of notice on the respondents and their names are printed in the cause list, none appears for the respondents.

8.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.

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 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

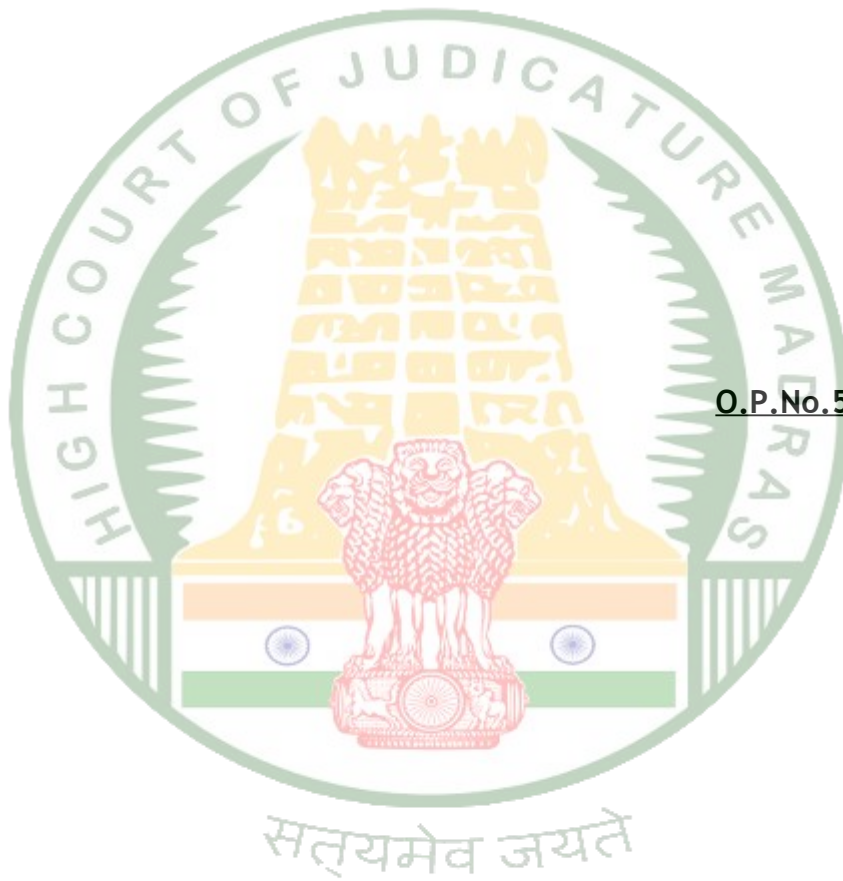
19.09.2019

cse

WEB COPY

K.KALYANASUNDARAM, J.

cse



O.P.No.513 of 2015

WEB COPY

19.09.2019