

O.P.No.367 of 2019
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 N.Vijayalakshmi, sister of the petitioner was ordinarily resided at H6, E Block, First Avenue, Second Floor, Kripa Colony, Ashok Nagar, Chennai-600 083 and died on 08.11.2015 at her residence. The deceased executed her last Will on 28.08.2014 and the same was unregistered. No Executor was appointed under the said Will.

3. The amount of assets which is likely to come into the petitioner's hand does not exceed in the aggregate sum of Rs.60,00,000/-and the net amount of the said assets, after deducting all items, which the petitioner are by law allowed to deduct is only of the value of Rs.60,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning her Will by paying first her 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 petitioner examined himself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to 6.

- a) Ex.P1 is the original unregistered Will dated 28.08.2014 executed by Mrs.N.Vijayalakshmi, which has been attested by two attesting witnesses namely 1.N.Lalitha and N.Santha.
- b) Ex.P2 is the original death certificate of the Testatrix's husband S.Narayanaswamy, who died on 20.12.1996.
- c) Ex.P3 is the computer generated copy of the death certificate of the Testatrix N.Vijayalakshmi, who died on 08.11.2015.
- d) Ex.P4 is the photocopy of the Sale Deed dated 02.11.1988 in favour of the Testatrix N.Vijayalakshmi.
- e) Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.60,00,000/-.
- f) Ex.P6 (series 2 Nos) are the copies of paper publication effected in one issue of Tamil Daily "Thina Boomi" dated 07.08.2019 and one issue of English daily "Virtual Times" dated 16.08.2019.

He has further stated in his evidence that he has not filed any other petition seeking the same relief.

5. Ms.N.Lalitha, the first respondent herein, examined herself as PW-2 and stated that the Testatrix is her elder sister and she executed her Last Will and Testament (Ex.P1) on 28.08.2014 in her presence and in the presence of her another Sister N.Santha, the second respondent herein. At her request, she

subscribed her signature as the first attesting witness in the presence of the Testatrix and she and her sister/the second respondent herein saw the Testatrix subscribing her signature at the foot of every page of Ex.P1-Will. All of them signed in each other's presence. While executing the Will-Ex.P1, the Testatrix was in a sound and disposing state of mind, memory and understanding. Ex.P7 is her affidavit in this regard.

6. 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.

7. Accordingly, this petition is allowed as prayed for. 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.

23.10.2019

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