

O.P.No.483 of 2018

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 K.R.Jeevarathinammam, ordinarily resided at No.11, Reddy Raman, Sowcarpet, Chennai-600 079 and died on 07.09.2006 at No.45, Murthy Chetty Street, Kumbakonam. The deceased executed her last Will on 24.01.2000 registered as Document No.3 of 2000 on the file of Joint Sub Registrar-I, Chennai, in the presence of the witnesses whose names appear at the foot thereof. The said immovable property is situated within the jurisdiction of this Court. It is further stated that the petitioner and the respondents 1, 3, 4 and 5 are sons and daughters of elder brother of the deceased and the respondents 2 and 6 are the son and daughter of another elder brother of the deceased. The deceased died issueless and her husband predeceased her and the parents of the deceased also predeceased. The deceased leaving behind the petitioner and the respondents as her Class-II legal heirs. The deceased bequeathed the properties jointly to the petitioner and the respondents 1 and 2 alone. 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.1,33,00,000/-and the net amount of the said assets, after deducting all items, which the petitioners is by law allowed to deduct is only of the value of Rs.1,33,00,000/-. 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 12.

- a) Ex.P1 is the original death certificate of his paternal aunt K.R.Jeevarathinam Ammal, who died on 07.09.2006.
- b) Ex.P2 is the original Will dated 24.01.2000 executed by Mrs.K.R.Jeevarathinam Ammal, which has been attested by two attesting witnesses namely 1.V.Ulaganathan @ Mani and 2. Mr.N.Chandrasekaran.

- c) Ex.P3 is the original extract from the Death Register in respect of the husband of K.R.Jeevarathinammal namely K.Ramachandra Chetty.
- d) Ex.P4 is the consent affidavit given by the 1st respondent.
- e) Ex.P5 is the consent affidavit given by the 2nd respondent.
- f) Ex.P6 is the consent affidavit given by the 3rd respondent.
- g) Ex.P7 is the consent affidavit given by the 4th respondent.
- h) Ex.P8 is the consent affidavit given by the 5th respondent.
- i) Ex.P9 is the consent affidavit given by the 6th respondent.
- j) Ex.P10 is the photocopy of the Sale Deed dated 02.07.1954 executed in favour of K.Ramachandra Chetty, husband of the aforesaid K.R.Jeevarathinammal.
- k) Ex.P11 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 02.02.2019.
- l) Ex.P12 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 09.02.2019.

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

5. One Mr.N.Chandrasekaran, one of the attesting witnesses and in his evidence as PW-2 deposed that the Testatrix Mrs.K.R.Jeevarathinam Ammal is the petitioner's paternal aunt and the petitioner is his wife's brother. On 24.01.2000 the deceased executed her Last Will and Testament(Ex.P2) in his presence and in the presence of Mr.Ulaganathan @ Mani. At her request, he subscribed his signature as the second attesting witness along with

Mr.V.Ulaganathan @ Mani, who attested the Will (Ex.P2) as the first attesting witness in the present of the Testatrix. He saw the Testatrix subscribing her signature at the foot of every page of Ex.P2-Will. All of them signed in each other's presence. At the time, the Testatrix was in a sound and disposing state of mind, memory and understanding. He was also one of the identifying witnesses to the Will-Ex.P2 at the time of registration of the Will before the Office of Joint Sub-Registrar-I, Chennai. Ex.P13 is his affidavit in that regard.

6. One Mr.V.Ulaganathan @ Mani, one of the attesting witnesses and in his evidence as PW-3 deposed that the Testatrix Mrs.K.R.Jeevarathinam Ammal is his wife's aunt. The Testatrix executed her Last Will and Testament(Ex.P2) on 24.01.2000 in his presence and in the presence of Mr.N.Chandrasekaran. At her request, he subscribed his signature as the first attesting witness along with Mr.N.Chandrasekaran, who attested the Will (Ex.P2) as the second attesting witness in the present of the Testatrix. He saw the Testatrix subscribing her signature at the foot of every page of Ex.P2-Will. All of them signed in each other's presence. At the time, the Testatrix was in a sound and disposing state of mind, memory and understanding. He was also one of the identifying witnesses to the Will-Ex.P2 at the time of registration of the Will before the Office of Joint Sub-Registrar-I, Chennai. Ex.P14 is his affidavit 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 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 are further directed to render true and correct accounts once in a year.

KMI

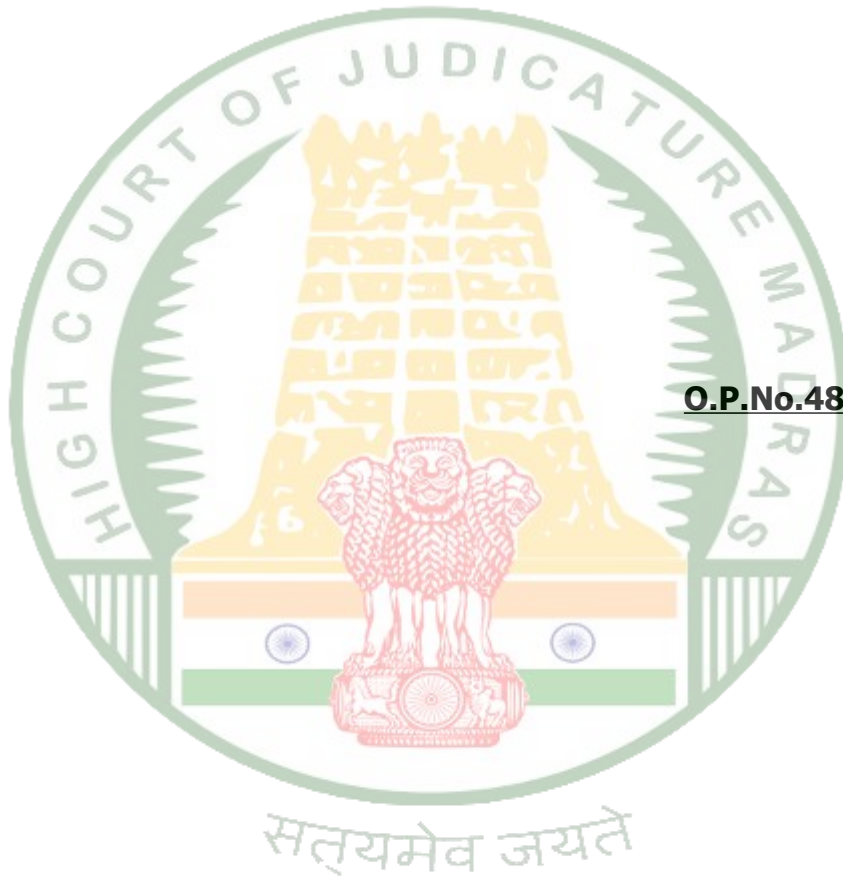
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