

O.P.No.529 of 2018**K.KALYANASUNDARAM, J.,**

This Petition has been filed for grant of Letters of Administration under Sections 232 and 276 of Indian Succession Act of 1925 read with Order XXV Rule 5 of O.S. Rules, 1956.

2. In the petition, it is stated that the deceased Cecilia Ambrose was ordinarily residing at No.154, S.V.Lingam Salai, K.K.Nagar, Chennai-600 078 and died on 05.03.2018. The petitioner and respondents 1 and 2 are the daughters of the deceased and the third respondent is the son of the deceased. The husband of the deceased predeceased her on 22.06.1988. The deceased at the time of her death left behind her three daughters and one son as her surviving legal heirs. At the time of the death, she left behind two immovable properties i.e, at Door No.8/3, Raja Annamalai Road, Purasawakkam, Chennai-84 and the Plot No.116, Sri Sai Nagar at Kondur Village, Kondur Grama Panchayat, Tada Mandal, Nellore District, Andhra Pradesh. The deceased executed his last Will and Testament dated 16.11.2015 and no executor has been appointed in the Will. The deceased bequeathed 'A' Schedule property in the Will to the petitioner with certain conditions and 'B' Schedule property in equal share to the first and second

respondents. The amount of assets which are likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.52,00,000/-. No application has been made at any District Court or delegate or to any other High Court for Probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to the property and credits.

3. 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 the Court within six months from the date of grant of Letters of Administration with Will 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 herself as P.W.1 and filed proof affidavit and also marked the following documents viz., Exs.P1 to P8.

Exs	Documents	Dated
P1	Original Last Will and Testament executed by her mother Cecilia Ambrose, registered as Doc.No.29 of 2015 at SRO, Neelankarai	16.11.2015
P2	Computer generated death certificate of her mother Cecilia, who died on 05.03.2018	-

Exs	Documents	Dated
P3	Photocopy of the Legal Heirship Certificate in respect of her mother Cecilia	-
P4	Photocopy of the Sale Deed dated 23.09.2005 executed by Mohammed Hussain in favour of her mother Cecilia registered as Doc.No.3888 of 2005, at SRO, Puraswalkam	-
P5	Photocopy of the Sale Deed executed by Bodicharla Sudharani in favour of her mother Cecilia	12.07.2012
P6	Affidavit of assets showing the net value of the estate as Rs.52,00,000/-	-
P7	Copy of paper publication effected in one issue of English daily "Virtual Times"	03.07.2019
P8	Copy of paper publication effected in one issue of Tamil daily "Thina Boomi"	11.07.2019

She has further stated in her evidence that she has not filed any other petition seeking the same relief.

5. One Mr.Jayakumar was examined as P.W.2. In his evidence, P.W.2

stated that the testatrix is his mother-in-law and the first attesting witness

viz., Premkumar Krubakaran is the neighbour of his mother-in-law, aged about 79 years and due to age factor, he could not come to depose evidence. He can identify the signature of the first attesting witness in the Will, dated 16.11.2015 is that of the said Premkumar Krubakaran and Ex.P9 is his third party affidavit, in this regard. In the affidavit, it is stated that the testatrix executed her Last Will and Testament (Ex.P1) on 16.11.2015 in the presence of two witnesses, viz., Premkumar Krubakaran and D.Prabhu.

6. Affidavit of first attesting witness, viz., Premkumar Krubakaran, is filed before this Court. In the affidavit, it is stated that the testatrix executed her Last Will and Testament (Ex.P1) on 16.11.2015 in his presence and in the presence of one Mr.D.Prabu. At the request of the testatrix, the first attesting witness subscribed his signature as the first attesting witness and Mr.D.Prabu, 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 Will.

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. Issue Letters of Administration with Will in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also 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.

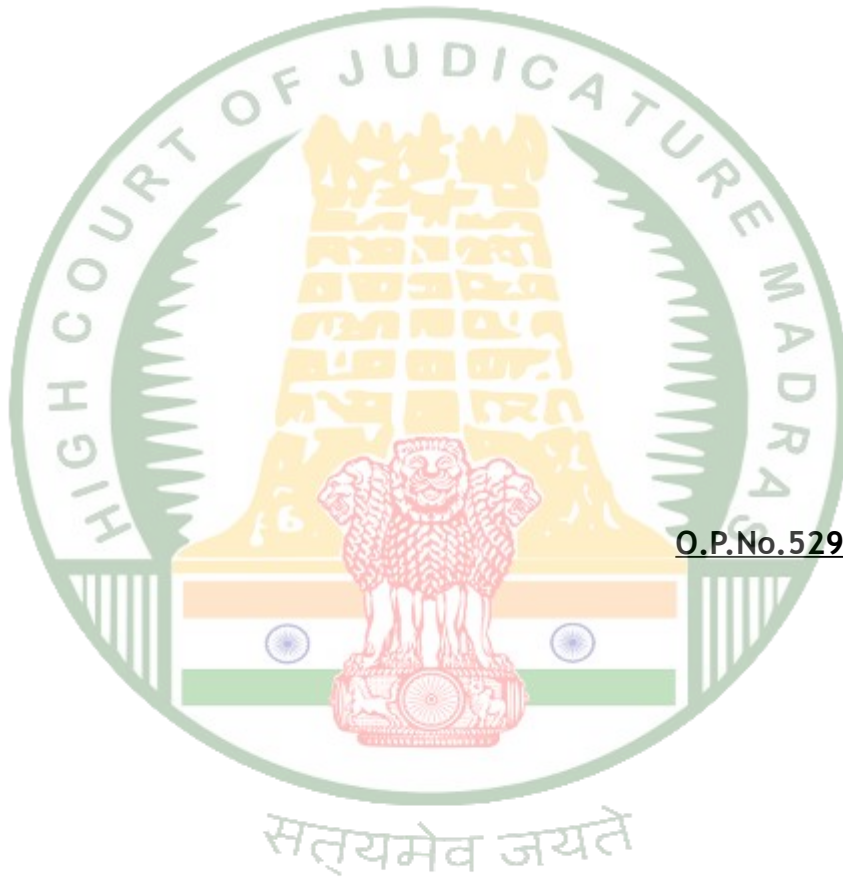
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