

O.P.No.531 of 2018

K.KALYANASUNDARAM, J.

This Petition has been filed for grant of Letters of Administration under Sections 232 & 276 of the Indian Succession Act, 1925 r/w. Order XXV Rule 5 of O.S.Rules in favour of the petitioners.

2. The deceased B.Lakshmi Ammal died on 24.09.2009 at her residence, at No.55/124, Canal Bank Road, CIT Nagar, Nandanam, Chennai-600 035, and left the property within the jurisdiction of this Court. The petitioners are the grand children of the deceased B.Lakshmi Ammal. The 1st respondent is the brother of the petitioners' father and the 2nd respondent is the father of the petitioners and 3rd and 4th respondents are aunts of the petitioners herein. The father and mother of the deceased B.Lakshmi Ammal predeceased. The respondents are the next kin and kith of the deceased. The deceased executed her last Will and Testament at Chennai on 16.07.1998 (Ex.P2), which was registered as Document No.90 of 1998 in Book-III on the file of the office of the Sub Registrar, Theyagaraya Nagar. Kodambakkam. No Executor has been appointed under the said Will. The deceased left behind her children and their grand children as her heirs. The husband of the deceased G.Balan @ Balakrishnan, died on 30.01.1978.

3. The deceased Testatrix had left her residential house, which she had purchased during her life time, morefully described in the schedule. The deceased was in possession and enjoyment of the said property till her death. The amount of assets which are likely to come into the hands of the petitioners does not exceed in the aggregate sum of Rs.50,00,000/-.

4. No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased B.Lakshmi Ammal or Letters of Administration with or without the Will annexed of her property and credits. The petitioners undertake 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 to the petitioners 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 first petitioner examined himself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Ex.P.1 to Ex.P.6.

- a) Ex.P1 is the computer generated death certificate of his paternal grandmother B.Lakshmi Ammal, who died on 24.09.2009.
- b) Ex.P2 is the original last Will and Testament executed by his paternal grandmother B.Lakshmi Ammal on 16.07.1998 registered as Doc.No.90 of 1998 at SRO, Thiyagaraya Nagar.
- c) Ex.P3 is the original Legal Heirship Certificate dated 28.03.2012 in respect of his paternal grandmother B.Lakshmi Ammal.
- d) Ex.P4 is the affidavit of assets showing the net value of the estate as R.50,00,000/-
- e) Ex.P5 is a copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 22.05.2019.
- f) Ex.P6 is a copy of paper publication effected in one issue of English Daily "News Today" dated 30.05.2019.

He has further stated that he has not filed any other petition before any other court seeking the same relief.

6. One of the attestors of the Will, K.Karpagam, was examined as P.W.2. In her evidence, she has stated that the deceased B.Lakshmi Ammal was her maternal grandmother and she had executed her last Will and Testament on 16.07.1998 in her presence and in the presence of D.Kumari. At the request of the Testatrix, she subscribed her signature as the first attesting witness along with D.Kumari, who attested the Will as the second attesting witness in the presence of the Testatrix. The Testatrix was in a sound,

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disposing state of mind, memory and understanding at the time of execution of the Will. Ex.P.7 is the affidavit filed by K.Karpagam, in this 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. Letters of Administration shall be issued 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 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 petitioners are further directed to render true and correct accounts once in a year.

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