

O.P.No.713 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 6 of O.S. Rules for grant of Letters of Administration of the schedule mentioned properties of the deceased Soolamangalam R.Jayalakshmi.

2. In the petition, it is stated that the deceased Soolamangalam R.Jayalakshmi ordinarily resided at Flat No.2, Mayans Indra Apartments, 17th Cross Street, Besant Nagar, Chennai - 600 090 and died on 29.6.2017 as spinster. The deceased executed her last Will and Testament on 31.8.2015 in the presence of the witnesses. No executor was appointed under the Will.

3. It is further stated that the first petitioner/nephew of the deceased has filed the Original Petition, claiming that he is the beneficiary under the Will, however, pending Original Petition, the first petitioner died leaving behind his wife and son, as his legal heirs. This Court by order dated 15.3.2019 impleaded the petitioners 2 and 3 as legal heirs of the first petitioner in the Original Petition. Hence, the petitioners 2 and 3 are the beneficiaries under the Will. The amount of assets which is likely to come into the hands of the

petitioners 2 and 3 does not exceed in the aggregate sum of Rs.4,00,00,000/- and the net amount of the said assets, after deducting all items which the petitioners is by law allowed to deduct is of the value of Rs.3,99,80,000/-.

4.The petitioners undertakes to duly administer the properties and credits (1/3rd share) of the deceased in anyway concerning her Will by paying first her debts and then legacies therein bequeathed 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 in respect of her estate annexed to the petitioners and also to render to this Court a true and proper account of the said properties and credits within one year from the said date. No application has been made to any District Court or delegate or to any other High Court for the probate of any Will of the deceased or Letters of Administration with or without the Will.

5. The second petitioner examined herself as P.W.1 and marked the following documents viz., Exs.P1 to P12:

i) Ex.P1 is the original Will dated 31.08.2015 executed by her mother-in-law Soolamangalam R.Jayalakshmi, which has been attested by two attesting witnesses namely i) Mr.M.Vishal and ii) Mrs.P.A.S.Sundaram.

ii) Ex.P2 is the computer generated death certificate of her mother-in-

law R.Jayalakshmi, who died on 29.6.2017.

iii) Ex.P3 is the photocopy of the death certificate of R.Rajalakshmi, sister of R.Jayalakshmi, who died on 21.6.1992.

iv) Ex.P4 is the photocopy of the CMWSSB tax receipt.

v) Ex.P5 is the photocopy of the property tax demand card standing in the name of R.Jayalakshmi.

vi) Ex.P6 is the computer generated death certificate of R.Saraswathy, sister of R.Jayalakshmi, who died on 04.05.2010.

vii) Ex.P7 is the computer generated death certificate of Janaki Ammal, mother of R.Jayalakshmi, who died on 05.04.1980.

viii) Ex.P8 is the photocopy of the certificate of letters of administration dated 27.01.2014 granted by the Hon'ble High Court, Madras in O.P.No.380 of 2012 in respect of the Will executed by R.Saraswathy.

ix) Ex.P9 is the computer generated death certificate of C.S.Balakrishnan, husband of R.Jayalakshmi, who died on 31.05.2000.

x) Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.3,99,80,000/-.

xi) Ex.P11 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 05.07.2019.

xii) Ex.P12 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 12.07.2019.

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

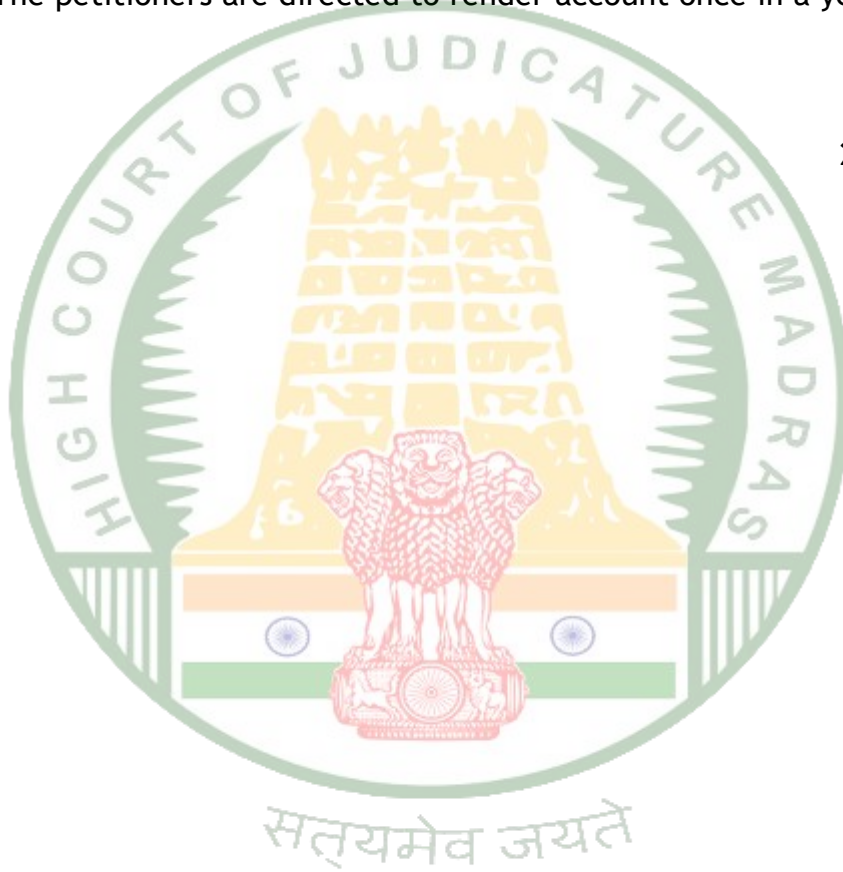
6. One of the attessor Mr.P.A.Sundaram, examined herself as P.W.2 in his evidence he has stated that the deceased is his family friend. The deceased executed her last Will and Testament (Ex.P1) on 31.08.2015 in his presence and in the presence of Mr.M.Vishal. At request of the deceased, he subscribed his signature as the second attesting witness along with Mr.M.Vishal 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.P1 Will. He has filed an affidavit, Ex.P13 in that regard.

7. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioners 2 and 3 are entitled to the issuance of Letters of Administration.

8. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners 2 and 3 as prayed for. The petitioners 2 and 3 are 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 directed to render account once in a year.

27.11.2019

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