

O.P.No.715 of 2018

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of Original Side Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased D.S.Kanagarathinam, ordinarily resided at Old No.13-A, New No.55/8, Rajamangalam First Street, Villivakkam, Chennai and died on 12.07.2015. The deceased executed his last Will and Testament on 16.03.2015 in the presence of witnesses, D.Seethama and K.Vengatapathy. No executor was appointed under the Will. The parents of the deceased predeceased him. The petitioner / grandson of the deceased is the only beneficiary under the Will and the other legal heirs are impleaded as respondents. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.35,00,000/- and the net amount of the said assets after deducting all items, which the petitioner is by way allowed to deduct is of the value of Rs.34,80,000/-.

3. No application has been made to any District Court or Delegate or to

any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to the property and credits.

4. The petitioner examined himself as PW1 and marked exhibits P1 to P11.

- a) Ex.P1 is the computer generated death certificate of his maternal grandfather Mr.Kanagarathinam, who died on 12.07.2015.
- b) Ex.P2 is the original Will and Testament dated 16.03.2015 executed by his maternal grandfather Mr.Kanagarathinam.
- c) Ex.P3 is the photocopy of the Legal Heirship Certificate dated 16.06.2016 in respect of his maternal grandfather Mr.Kanagarathinam.
- d) Ex.P4 is the original water supply and sewerage board card in respect of the property mentioned in the Will.
- e) Ex.P5 is the consent affidavit given by the 1st respondent stating that she has no objection in grant of Letters of Administration as prayed for.
- f) Ex.P6 is the consent affidavit given by the 2nd respondent stating that she has no objection in grant of Letters of Administration as prayed for.
- g) Ex.P7 is the consent affidavit given by the 3rd respondent stating that he has no objection in grant of Letters of Administration as prayed for.
- h) Ex.P8 is the consent affidavit given by the 4th respondent stating that she has no objection in grant of Letters of Administration as prayed for.

- i) Ex.P9 is the consent affidavit given by the 5th respondent stating that she has no objection in grant of Letters of Administration as prayed for.
- j) Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.34,80,000/-.
- k) Ex.P11 (series 2 Nos) are the copies of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 10.09.2019 and one issue of English daily "Virtual Times" dated 17.09.2019.

(As far as 6th respondent is concerned, service has been completed by way of paper publication on 06.04.2019 and he has been set ex-parte)

He has not filed any other petition before any other Court seeking the same relief.

5. One of the attestors of the Will, Mr.C.K.Kannan, was examined as PW2. In his evidence, he has stated that he is well acquainted with the Testator as a family friend for long time. The deceased executed his last Will and Testament on 16.03.2015 in his presence and in the presence of two witnesses, viz.,D.Seethamma and S.K.Venkatapathy. At request of the deceased, he subscribed his signature as the third attesting along with D.Seethamma and S.K.Venkatapathy, who attested the Will as the first and second attesting witnesses. The Testator was in a sound and disposing state of mind, memory and understanding at the time of execution of Ex.P2 Will. He

has filed an affidavit, Ex.P12 in that 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.

24.10.2019

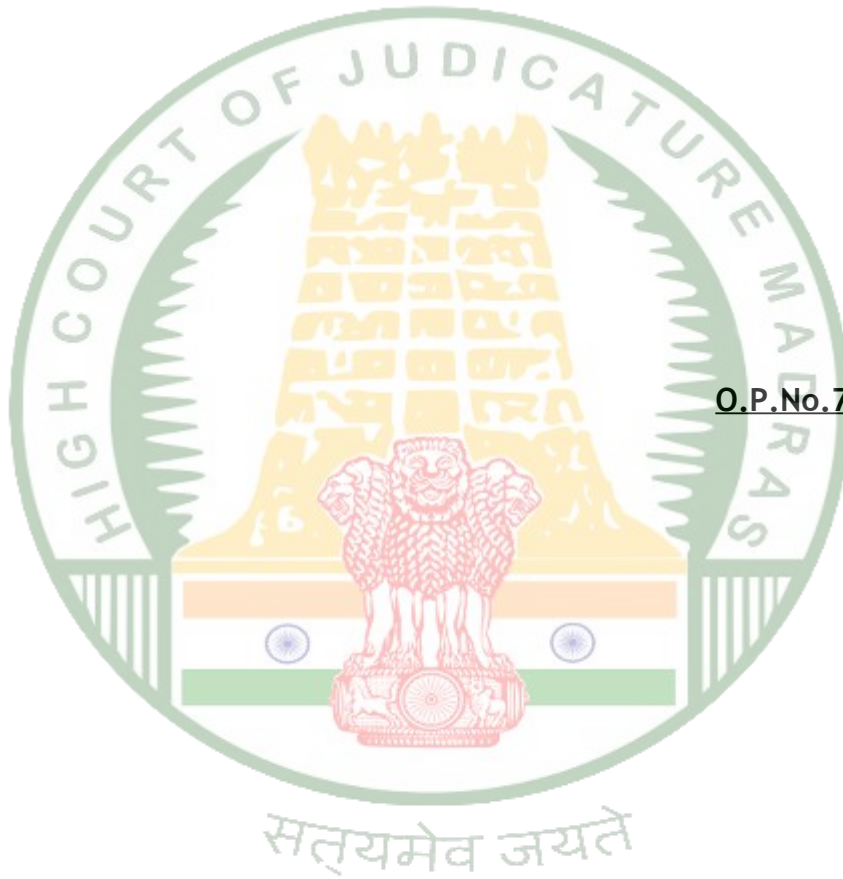
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K.KALYANASUNDARAM, J.

pvs



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