

O.P.No.75 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 Kuppulingam Udayar, father of the petitioners was ordinarily resided at Door No.20, 5th Street, Koya Arunagiri Street, Royapettah, Chennai-600 014 and died on 25.08.1992 at M.P.T.Hospital, Chennai. The deceased executed his last Will on 01.03.1990 bearing Document No.21/1990. No Executor was appointed under the said Will. The deceased left the petitioner and the respondents as his legal heirs.

3. The amount of assets which is likely to come into the petitioners' hands does not exceed in the aggregate sum of Rs.10,00,000/-and the net amount of the said assets, after deducting all items, which the petitioner is by law allowed to deduct is only of the value of Rs.10,00,000/-. The petitioners undertake to duly administer the property and credits of the deceased in any way concerning his Will by paying first his 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 first petitioner examined himself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to 15.

- a) Ex.P1 is the original registered Mortgage Deed dated 04.07.1953.
- b) Ex.P2 is the original registered Sale Deed dated 12.08.1956.
- c) Ex.P3 is the original registered Will and Testament dated 01.03.1990 executed by Mr.Kuppulinga Udayar in favour of the petitioner which has been attested by two attesting witnesses namely 1.Mrs.K.Siva Pushanam and 2. Mr.P.Arulraj.
- d) Ex.P4 is the computer generated copy of the death certificate of Testator Mr.Kuppulinga Udayar, who died on 25.08.1992.
- e) Ex.P5 is the computer generated copy of the death certificate of the Testator's wife Mrs.K.Meenakshi Ammal, who died on 23.03.2006.
- f) Ex.P6 is the original Legal Heirship certificate dated 03.02.2009 in respect of Kuppulinga Udayar.
- g) Ex.P7 is the photocopy of the electricity Bill bearing No.123/059/694 in the name of Kuppulinga Udayar.
- h) Ex.P8 is the photocopy of the property tax demand card in the name of Kuppulinga Udayar (Marked after comparing and verifying with the original).
- i) Ex.P9 is the photocopy of the Water and Sewerage card issued by Chennai Metropolitan Water supply and Sewerage Board in the name of Kuppulinga Udayar (Marked after comparing and verifying with the original).
- j) Ex.P10 is the photocopy of his Family card bearing No.02/G/0350084

(Marked after comparing and verifying with the original).

- k) Ex.P11 is the photocopy of the Family card of the 2nd petitioner bearing No.02/G/0350083 (Marked after comparing and verifying with the original)
- l) Ex.P12 is the photocopy of his Aadhaar card bearing No.3345 0441 5437 (Marked after comparing and verifying with the original).
- m) Ex.P13 is the photocopy of the Aadhaar card of the 2nd petitioner bearing No.3322 4309 9226 (Marked after comparing and verifying with the original).
- n) Ex.P.14 is the affidavit of assets showing the net value of the estate as Rs.10,00,000/-.
- o) Ex.P15 (series 2 Nos) are the copies of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 28.09.2018 and one issue of English daily "News Today" dated 05.10.2018.

5. The first respondent is one of the attesting witnesses to Ex.P3 and in his evidence as PW-2 deposed that on 01.03.1990 in his presence and in the presence of Mr.P.Arulraj, the deceased executed last Will and Testament and he subscribed his signature as the first attesting witness along with Mr.P.Arulraj, who attested the Will (Ex.P3) as the second attesting witness in the presence of Testator. He saw the Testator signing in all the pages of the Will (Ex.P3). At that time, the deceased was of sound and disposing state of mind, memory and understanding. He was also one of the identifying witnesses to the Will-Ex.P3 at the time of registration of the Will before the SRO, Mylapore. Ex.P16 is his affidavit in this regard.

6. The third respondent examined as PW-3 and he has filed his consent

affidavit (Ex.P17) stating that he has no objection for grant of letters of administration in respect of the Will executed by his father Mr.Kuppulinga Udayar.

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 as prayed for. Issue Letters of Administration 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 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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04.11.2019

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K.KALYANASUNDARAM, J.

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