

O.P.No.399 of 2019

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 O.S. Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased Sri.Allareddy Venkatakrishna Reddy also known as A.Venkatakrishna Reddy ordinarily resided at Flat No.54, A Block, "Doshi Gardens", No.174, Arcot Road (N.S.K.Salai), Vadapalani, Chennai 600 026 and died on 04.05.2003 at Vijaya Hospital, Chennai - 600 026. The deceased executed his last Will and Testament at Chennai on 07.11.2001. The parents of the deceased pre-deceased him. The petitioner is the wife of the deceased, respondents 1 and 2 are the sons, 3rd respondent is the daughter, 4th respondent is the daughter-in-law and respondents 5 and 6 are the grand daughter and grand son of the deceased. The respondents 4, 5 and 6 are the legal heirs of Late A.Rajasekara Reddy, who is one of the sons of the Testator, died on 02.06.2017 at Chennai, leaving behind the respondents 4, 5 and 6 along with the petitioner as his legal heirs. Hence, the petitioner and respondents are the legal heirs of the deceased and

the petitioner is the beneficiary under the Will. No executor was appointed in the said Will.

3. The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate sum of Rs.1,22,50,000/- and the net amount of the said assets, after deducting all the items which the petitioner is by law allowed to deduct, is only of the value of Rs.1,22,30,000/-.

4. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning his Will by paying first his debts and the legacies therein bequeathed insofar 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 and proper account of the said properties and credits within one year from the said date.

5. 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.

6. Since the petitioner is a senior citizen aged about 87 years, this Court by order dated 31.10.2019 appointed an Advocate Commissioner to record the evidence of the petitioner (P.W.1) at her residence. As per the direction of this Court, the Advocate Commissioner recorded the evidence of the petitioner and filed her report dated 05.11.2019.

7. The petitioner examined herself as P.W.1 and marked the following documents viz., Exs.P1 to P14:

- a) Ex.P1 is the death certificate of Late.Allareddy Venkatakrishna Reddy also known as A.Venkatakrishna Reddy.
- b) Ex.P2 is original Will executed by Late.Allareddy Venkatakrishna Reddy also known as A.Venkatakrishna Reddy.
- c) Ex.P3 is the affidavit of assests.
- d) Ex.P4 is the legal heirship certificate of Late.Allareddy Venkatakrishna Reddy also known as A.Venkatakrishna Reddy.
- e) Ex.P5 is the death certificate of A.Rajasekara Reddy.
- f) Ex.P6 is the legal heirship certificate of A.Rajasekara Reddy.
- g) Ex.P7 is the death certificate of Mrs.A.Anupamma Reddy.
- h) Exs.P8 to P12 are the consent affidavits of respondents 1, 2, 3, 5 and 6.

- i) Ex.P13 is the paper publication in one issue of Tamil News Daily “Maalai Sudar” effected on 21.07.2019.
- j) Ex.P14 is the paper publication in one issue of English News Daily “News Today” on 09.08.2019.

8. One of the attestors of the Will, Mr.SP.Ramasamy, was examined as PW2. In his evidence, he has stated that the deceased is his previous proprietor. The deceased executed his last Will and Testament on 07.11.2001 (Ex.P2) in his presence and in the presence of Mr.M.A.Mohan Rao. At request of the deceased, he subscribed his signature as the second attesting along with Mr.M.A.Mohan Rao , who attested the Will as the first attesting witness. 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.P15 in that regard.

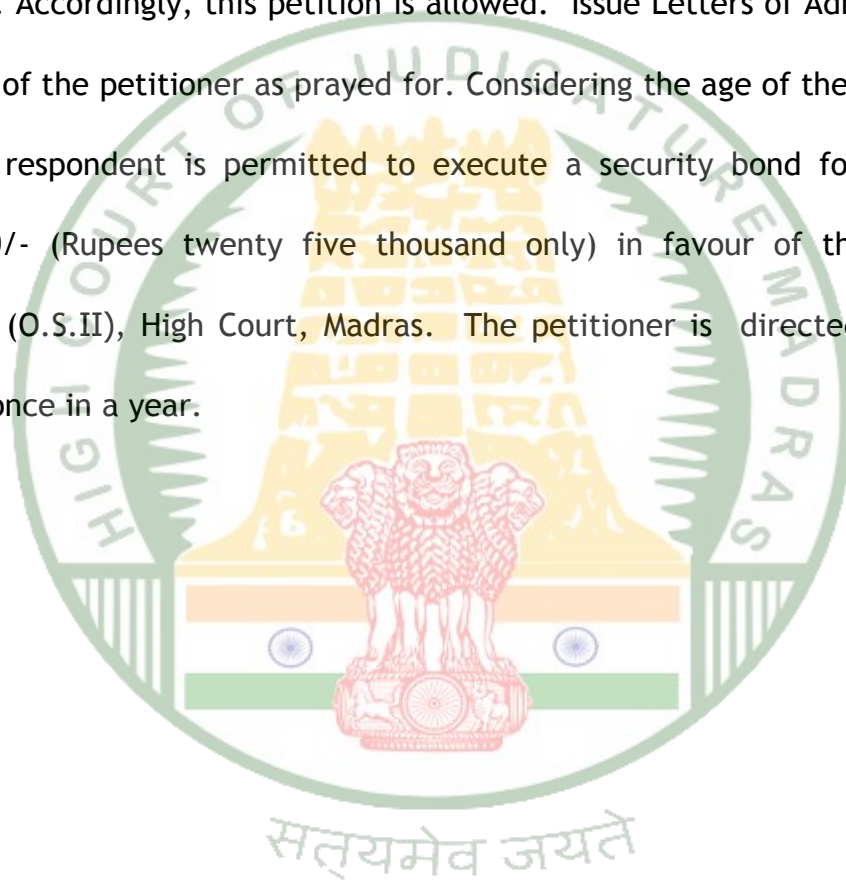
9. The learned counsel for the respondents would submit that the respondents have already given consent affidavit for grant of Letters of Administration in favour of the petitioner.

10. 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.

11. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner as prayed for. Considering the age of the petitioner, the first respondent is permitted 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 directed to render account once in a year.

26.11.2019

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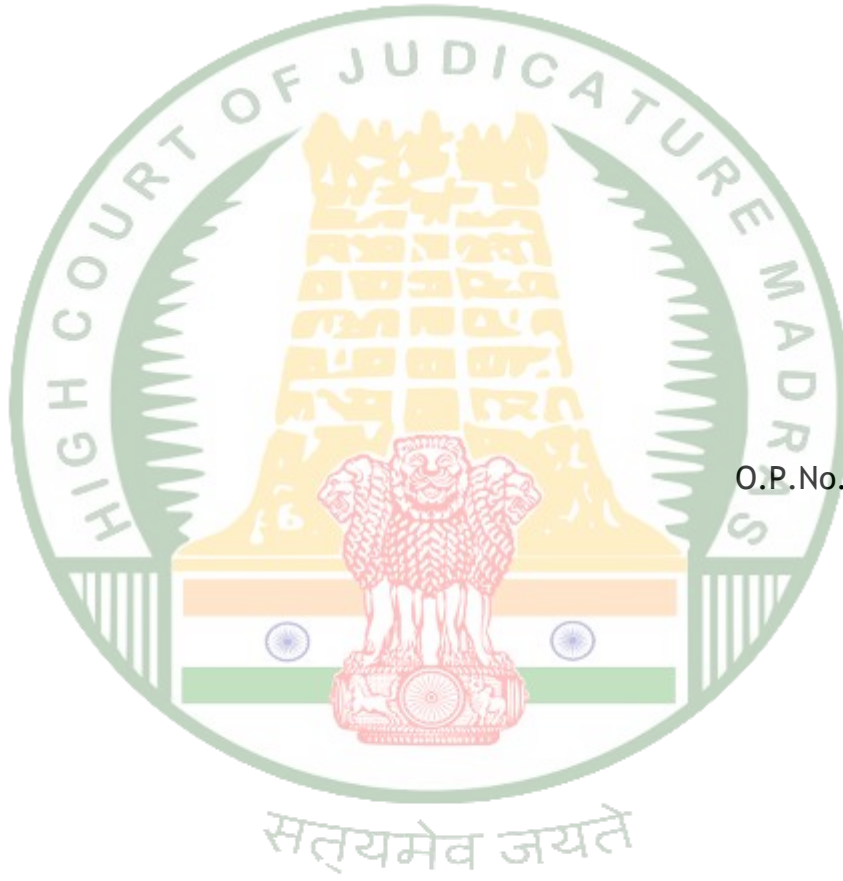


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