

O.P.No.183 of 2016

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 Krishnammal, mother's sister of the petitioner was ordinarily resided at Somaiya Raja Street, Malligaipoonthottam, Agaram, Chennai-600 082 and died on 26.05.2007 at her residence. The deceased executed her last Will and Testament on 30.01.2002, registered as Document No.18 of 2002, on the file of SRO Sembium. No Executor was appointed under the said Will. The deceased left the petitioner and the respondent as her legal heirs.

3. The amount of assets which is likely to come into the petitioner hands does not exceed in the aggregate sum of Rs.5,00,000/-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.5,00,000/-. The petitioner is sister's daughter (niece) of the deceased and the respondent is sister's son (niece) undertake to duly administer the property and credits of the deceased in any way concerning her Will by paying first her will 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 petitioner examined herself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to 6.

- a) Ex.P1 is the Computer generated copy of the death certificate of Mrs.Krishnamma, who died on 26.05.2007.
- b) Ex.P2 is the original registered Will and Testament dated 30.01.2002 executed by Mrs.Krishnamma, which was attested by two attesting witnesses namely Mr.Sammanthamurthy and Mr.A.Saravanan. Ex.P2 Will has been registered as Document No.18 of 2002 on the file of the Sub-Registrar, Sembium.
- c) Ex.P3 is the computer generated copy of the death certificate of Mr.Sammanthamurthy, who died on 22.12.2010.
- d) Ex.P4 is the consent affidavit given by the respondent.
- e) Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.5,00,000/-.
- f) Ex.P6 series (2 Nos) are the photocopies of the paper publications effected in one issue of Tamil daily "Thina Boomi" dated 22.02.2018 and one issue of English daily "Virtual Times" dated 02.03.2018.

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

5. The respondent herein examined himself as RW-1, who is the brother of the petitioner, has no objection for grant of Letters of administration in favour of the petitioner and he has filed consent affidavit to that effect.

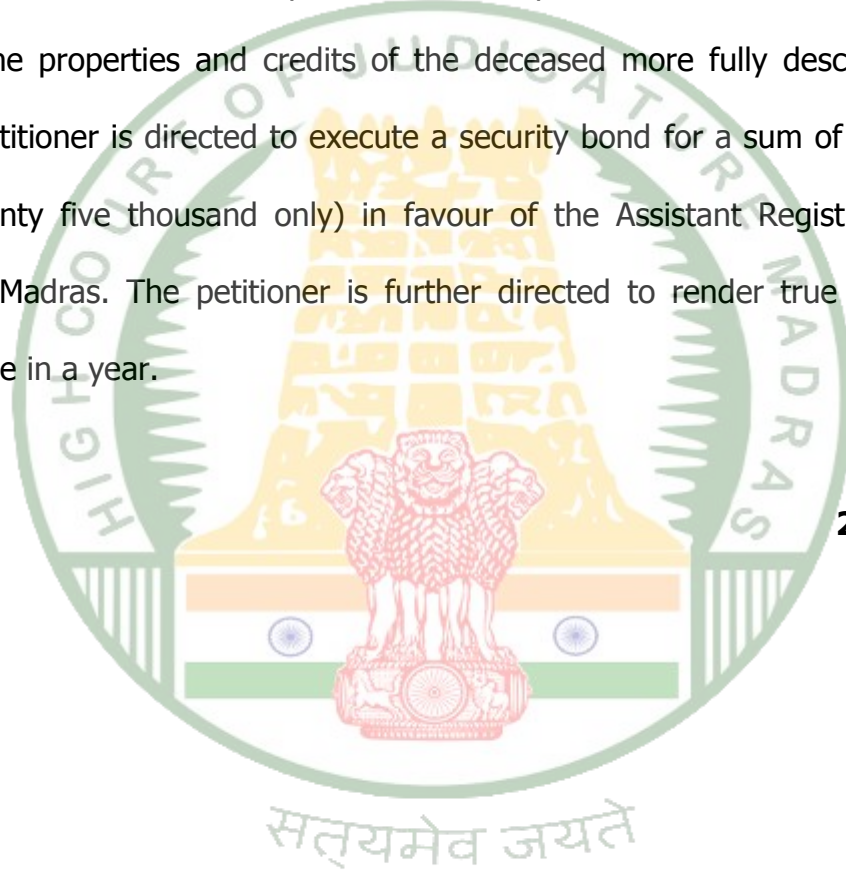
6. Considering the averments made in the petition and on perusing the

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 are 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.

25.09.2019

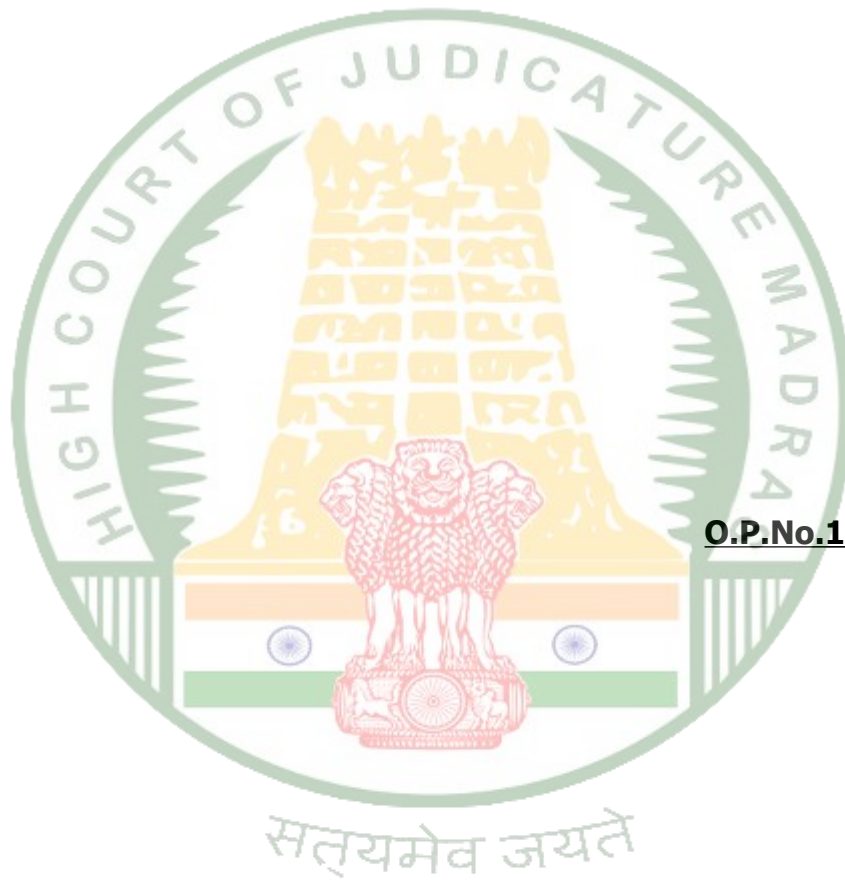
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