

O.P.No.493 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 O.S. Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased K.Mohanammal died on 26.12.2007 at 77, Ghouse Mohideen Pettai Road, Royapuram, Chennai - 600 013. The deceased executed her last Will and Testament on 15.2.2002 in the presence of the witnesses. No executor was appointed under the Will. The petitioner is the grandson of the deceased and the respondents are the sons, daughter, daughter-in-law and grand daughter of the deceased. The petitioner is the only beneficiary under the 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.12,70,000/- 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.12,70,000/-. The petitioner has impleaded the next kin or other persons interested and there is no next of kin or other persons interested to be impleaded.

4.The petitioner undertakes to duly administer the property and credits 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 petitioner 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 petitioner examined himself as P.W.1 and marked the following documents viz., Exs.P1 to P14:

i) Ex.P1 is the original registered Will and Testament dated 15.02.2002 executed by Mrs.K.Mohanammal, which has been attested by two attesting witnesses namely 1.Mr.M.Kalappan and 2. Mrs.Vimala. Ex.P1 Will was registered as Doc.No.17 of 2002 on the file of the office of the Sub-Registrar, Royapuram.

ii) Ex.P2 is the certified copy of the Settlement Deed dated 30.06.1975 in favour of Mrs.K.Mohanammal.

iii) Ex.P3 is the photocopy of the Release Deed dated 23.07.1979 in favour of Mrs.K.Mohanammal.

iv) Ex.P4 is the computer generated copy of the death certificate of Mr.Kannu Chettiyar, who died on 09.02.1992.

v) Ex.P5 is the computer generated copy of the death certificate of Mrs.K.Mohanammal, who died on 26.12.2007.

vi) Ex.P6 is the photocopy of the death certificate of Mani, who died on 01.02.2002.

vii) Ex.P7 is the original legal heirship certificate dated 19.04.2002 in respect of Mani.

viii) Ex.P8 is the photocopy of his voter identity card.

ix) Ex.P9 is the photocopy of our family card.

x) Ex.P10 is the affidavit of assets showing the net value of the estate as Rs.12,70,000/-.

xi) Ex.P11 is the consent affidavit given by the 5th respondent.

xii) Ex.P12 is the consent affidavit given by the 6th respondent.

xiii) Ex.P13 is a copy of paper publication effected in one issue of English daily "News Today" dated 28.06.2019.

xiv) Ex.P14 is a copy of paper publication effected in one issue of English daily "News Today" dated 28.6.2019.

He has further stated in his evidence that he has not filed any other petition seeking the same relief.

6. One of the attestor Mrs.Vimala, examined herself as P.W.2 in her evidence she has stated that the deceased is her aunt. The deceased executed her last Will and Testament (Ex.P1) on 15.02.2002 in her presence and in the presence of Mr.M.Kalappan. At request of the deceased, she subscribed her signature as the second attesting witness along with Mr.M.Kalappan, 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. She was also one of the identifying witnesses to the Will. She has filed an affidavit, Ex.P15 in that regard.

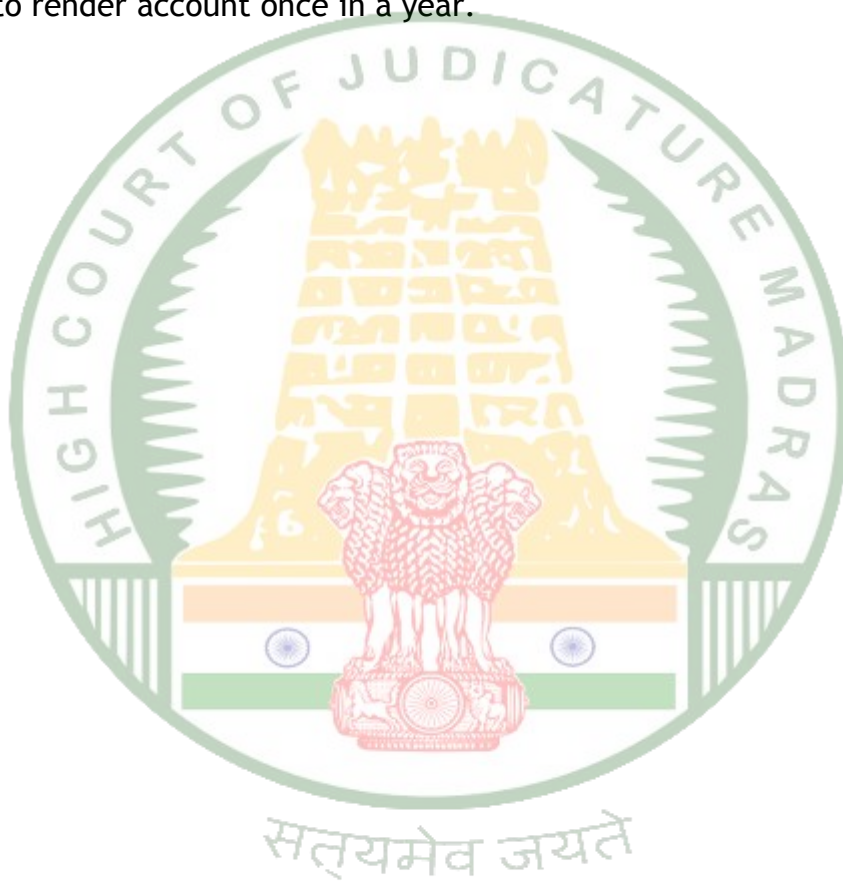
Ex.P16 is the photocopy of her Electoral Identify Card bearing No.EZZ3452489. Ex.P7 is the photocopy of her Family Card bearing No.02/G/0418882 (Ex.P16 and Ex.P17 are marked after comparing and verifying with the original)

7. 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.

8. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner as prayed for. 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 directed to render account once in a year.

27.11.2019

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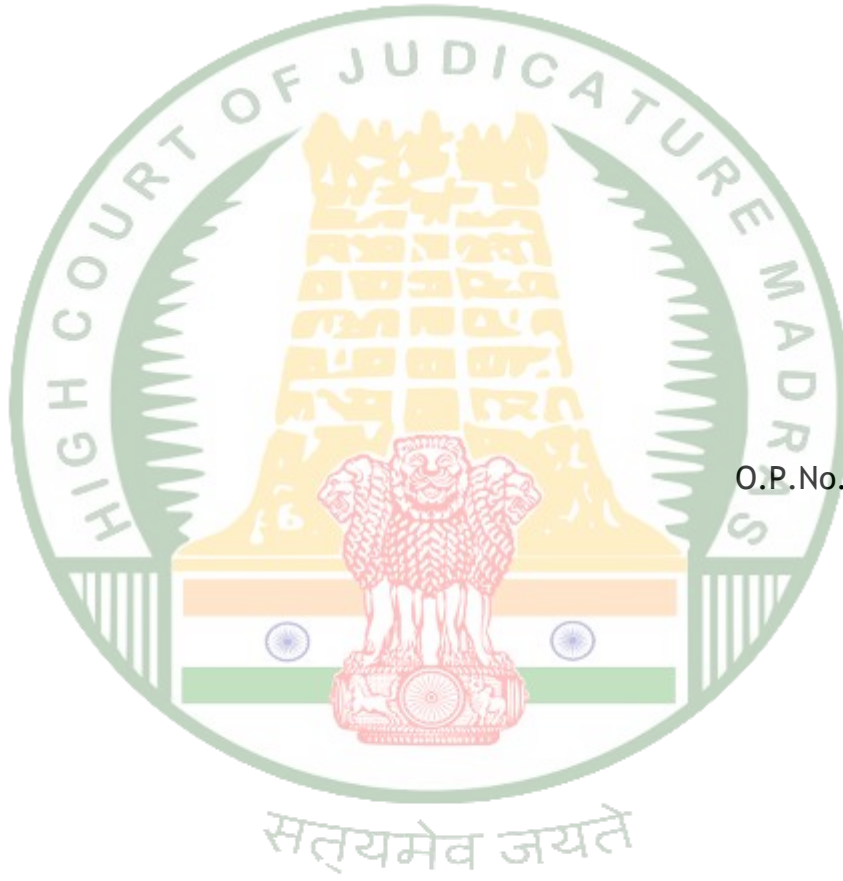


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