

O.P.No.1197 of 2018

K.KALYANASUNDARAM, J.

This petition has been filed under Section 232, 255 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of Original Side Rules to grant Letters of Administration in favour of the petitioner.

2. In the petition, it is stated that M.K.Srinivasan ordinarily resided at No.18/1, Rangaiah Garden Street, Mylapore Chennai and died on 19.02.2008. The parents of the deceased predeceased him and his wife died on 05.01.2014. The deceased left the petitioner and the respondents as his legal heirs. The deceased left a residential flat bearing No.18/1, Rangaiah Garden Street, Mylapore, Chennai within the jurisdiction of this Court. The last Will and Testament dated 24.05.2000 of the deceased were duly executed by him at Chennai in the presence of the witnesses N.Chandran and T.Vinayaka. No executor was appointed under the Will. The petitioner and the 2nd respondent are the beneficiaries under the said Will.

3. The amount of assets which is likely to come to the petitioners hands does not exceed in the aggregate sum of Rs.29,12,490/- 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.29,12,490. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning his Will by paying first his debt and then the legacies 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 date.

4. No application has been made to any District Court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to his property and credits.

5. Despite the name of the respondents being printed in the cause list, none represents.

6. The petitioner examined himself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P9:

- a) Ex.P1 is the original Will dated 24.05.2000 executed by his father M.K.Srinivasan, which has been attested by two attesting witnesses, viz., N.Chandran and T.Vinayaka.
- b) Ex.P2 is the original death certificate of his father Srinivasan, who died on 19.02.2008.
- c) Ex.P3 is the computer generated death certificate of his mother S.Neelambal, who died on 05.01.2014.
- d) Ex.P4 is the original Legal Heirship Certificate dated 23.01.2018 in respect of his deceased father Srinivasan.
- e) Ex.P5 is the photocopy of his Aadhaar Card bearing No.5824 4475 3933.
- f) Ex.P6 is the consent affidavit given by the 1st respondent C.Subbulakshmi.
- g) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.29,12,490/-.
- h) Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 13.07.2019.
- i) Ex.P9 is a copy of paper publication effected in one issue of English daily "News Today" dated 20.07.2019.

He has further stated that he has not filed any other petition before any other court seeking the same relief.

7. One of the attesor of the Will, T.Vinayaka, was examined as PW2. In his evidence, he has stated that the Testator M.K.Srinivasn was his father's friend. He executed his last Will and Testament on 24.05.2000 in his presence and in the presence of N.Chandran. At request of the Testatrix, he subscribed

his signature as the second attesting witness along with N.Chandran, who attested the Will as the first attesting witness in the presence of the Testator. The Testator was in a sound, disposing state of mind, memory and understanding at the time of execution of the Will. He was also one of the identifying witnesses at the time of registration of the Will, which is registered as Doc.No.67 of 2000 at SRO, Mylapore. Ex.P10 is his affidavit in that regard.

8. One other attester of the Will, Ex.P1, N.Chandran, was examined as PW3. In his evidence, he has stated that the Testator M.K.Srinivasn is his maternal uncle. He executed his last Will and Testament on 24.05.2000 in his presence and in the presence of T.Vinayaka. At request of the Testatrix, he subscribed his signature as the first attesting witness along with T.Vinayaka, who attested the Will as the second attesting witness in the presence of the Testator. The Testator was in a sound, disposing state of mind, memory and understanding at the time of execution of the Will. He was also one of the identifying witnesses at the time of registration of the Will, which is registered as Doc.No.67 of 2000 at SRO, Mylapore. Ex.P11 is his affidavit in that regard.

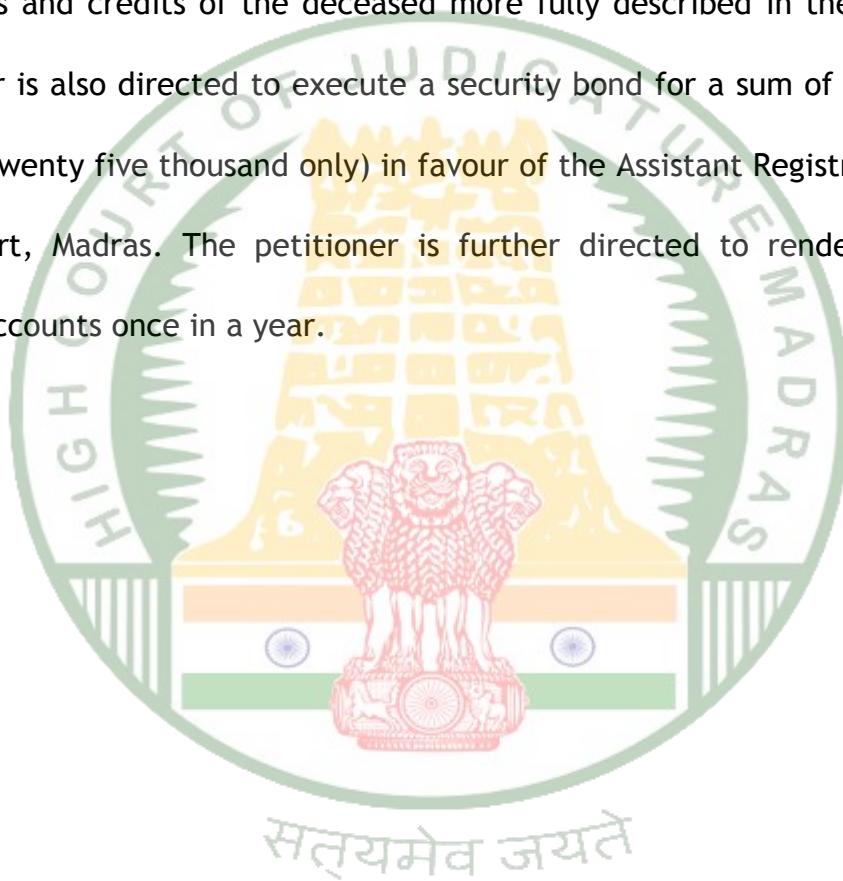
9. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioners are entitled to

the issuance of Letters of Administration.

10. Accordingly, this petition is allowed. 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 also 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.

12.09.2019

pvs



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pvs



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