

O.P.No.962 of 2018

K.KALYANASUNDARAM, J.

This petition has been filed under Sections 255 and 276 of the Indian Succession Act XXXIX of 1925 and Order XXV Rule 5 Original Side Rules for grant of Letters of Administration.

2. In the petition, it is stated that the deceased P.S.Sundarammal ordinarily resided at Old No.8, New No.29, Singara Garden First Lane, Old Washermenpet, Chennai and died at her residence on 24.12.2016. The deceased was possessed with 1/11th undivided share in the properties in Chennai as specified in the Schedule. The parents of the deceased pre-deceased her and the husband of the deceased died on 05.05.1973. The petitioner states that the deceased left the petitioner and the respondents 3 to 11 as her surviving next of kin along with the two step children, viz., respondents 1 & 2.

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3. The deceased executed a Will dated 07.02.2001 at Chennai in the presence of witnesses and the same was registered as Document No.23 of 2001

in the office of the Sub-Registrar, Royapuram. No executor was appointed under the Will. The respondents 1 to 8 have filed separate consent affidavits, recording their no objection for grant of Letters of Administration with the Will in favour of the petitioner. The amount of assets which are likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.49,00,000/-.

4. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning her Will by paying first her debts and then the legacies thereon 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 grant of Letters of Administration with the Will annexed to the petitioner and also to render this Court a true account of the said property and credits within one year from the said date. No application has been made to any District Court or delegate or before any High Court for Probate of any Will of the deceased or for Letters of Administration with or without the Will annexed to her property and credit.

5. 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 P20;

- a) Ex.P1 is the certified copy of the sale deed dated 31.01.1958 in the name of the Testatrix's husband namely Mr.P.Sundararajan.
- b) Ex.P2 is the certified copy of the sale deed dated 17.04.1968 in the name of the Testatrix's husband namely Mr.P.Sundararajan.
3. Ex.P3 is the photocopy of the death certificate of P.Sundararajan, who died on 05.05.1973.
4. Ex.P4 is the photocopy of the Legal Heirship Certificate dated 29.10.1987 in respect of Mr.P.Sundararajan.
5. Ex.P5 is the photocopy of the death certificate of his sister late Dr.S.Ananda Rajammal, who died on 28.02.1996.
6. Ex.P6 is the photocopy of the Legal Heirship certificate dated 20.04.1996 in respect of Dr.S.Ananda Rajammal.
7. Ex.P7 is the original registered Will and Testament dated 07.02.2001 executed by Mrs.P.S.Sundarammal, which has been attested by two attesting witnesses namely 1. Mr.M.Murugavel and 2. Mr.S.Saravanan. Ex.P7 Will was registered as Doc.No.23 of 2001 on the file of the office of the Sub-Registrar, Royapuram.
8. Ex.P8 is the computer generated copy of the death certificate of the Testatrix Mrs.P.S.Sundarammal, who died on 24.12.2016.
9. Ex.P9 is the photocopy of the Legal Heirship certificate dated 27.04.2017 in respect of the Testatrix Mrs.P.S.Sundarammal.
10. Ex.P10 is the consent affidavit given by the 1st respondent.
11. Ex.P11 is the consent affidavit given by the 2nd respondent.
12. Ex.P12 is the consent affidavit given by the 3rd respondent.
13. Ex.P13 is the consent affidavit given by the 4th respondent.
14. Ex.P14 is the consent affidavit given by the 5th respondent.

15. Ex.P15 is the consent affidavit given by the 6th respondent.
16. Ex.P16 is the consent affidavit given by the 7th respondent.
17. Ex.P17 is the consent affidavit given by the 8th respondent.
18. Ex.P18 is the affidavit of assets showing the net value of the estate as Rs.49,00,000/-.
19. Ex.P19 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 27.08.2019.
20. Ex.P20 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 04.09.2019.

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

6. One of the attestors of the Will, Mr.M.Murugavel, was examined as PW2. In his evidence, he has stated that the deceased executed her last Will and Testament on 07.02.2001 in his presence and in the presence of Mr.S.Saravanan. At request of the Testatrix, he subscribed his signature as the first attesting witness along with Mr.S.Saravanan, who attested the Will as the second attesting witness. The Testatrix was in a sound and disposing state of mind, memory and understanding at the time of execution of the Will. He has filed an affidavit Ex.P21 in that regard.

7. The learned counsel appearing for the respondents 1 to 8 would state

that the respondents 1 to 8 have no objection for grant of Letters of Administration in favour of the petitioner and they have filed consent affidavit in that regard. Despite service of notice to the respondents 9 to 11 and their name being printed in the cause list, none appears for them.

8. 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.

9. 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 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.

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17.10.2019

pvs

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