

O.P.No.1195 of 2018

K.KALYANASUNDARAM, J.

This Petition has been filed for grant of Letters of Administration under Sections 232 & 276 of the Indian Succession Act, 1925 r/w. Order XXV Rule 5 of O.S.Rules in favour of the petitioner.

2.The deceased M.Subramaniam died on 19.01.2018 at Apollo Specially Hospital, Vanagaram and was residing at No.Plot No.358, North Main Road, Anna Nagar Western Extension, Chennai-600 101, and he possessed properties within the State of Tamil Nadu and within the jurisdiction of this Court. The petitioner is the wife of the deceased and the respondents are the daughter and son of the deceased M.Subramaniam. The father and mother of late M.Subramaniam had predeceased him. The deceased executed his last Will and Testament on 15.12.2013, in the presence of the witnesses. No Executor has been appointed under the said Will. The petitioner has impleaded all the next of kin or other persons interested as parties/respondents. There is no other next of kin or other persons interested to be impleaded.

3. The deceased Testator had left his residential house, which he had purchased during his life time, morefully described in the schedule. The deceased was in possession and enjoyment of the said property till his death. The amount of assets which are likely to come into the hands of the petitioner does not exceed in the aggregate sum of Rs.4,19,86,400/-.

4. No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased M.Subramaniam or Letters of Administration with or without the Will annexed to the petitioner being the wife (Class I legal heir) and the beneficiary under the Will of the said deceased M.Subramaniam, having effect throughout the state of Tamil Nadu. The petitioner undertakes to duly administer the property and credits of the deceased and in one way concerning his Will, the first 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 to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date.

5. 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 Ex.P9.

- a) Ex.P1 is the Original death certificate of her husband M.Subramaniam, who died on 19.01.2018.
- b) Ex.P2 is the original last Will and Testament dated 15.12.2013 executed by her husband M.Subramaniam.
- c) Ex.P3 is the computer generated Legal Heirship certificate dated 09.11.2018 in respect of her husband Subramaniam.
- d) Ex.P4 is the photocopy of the Sale Deed dated 25.08.1992 in favour of her husband M.Subramaniam registered as Doc.No.4498 of 1992 at SRO, Anna Nagar (Marked after comparing and verifying with the original).
- e) Ex.P5 is the consent affidavit given by the 1st respondent she has no objection in grant of letters of administration as prayed for.
- f) Ex.P6 is the consent affidavit given by the 2nd respondent he has no objection in grant of letters of administration as prayed for.
- g) Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.4,19,66,400/-.
- h) Ex.P8 is a copy of paper publication effected in one issue of English daily 'News Today' dated 29.07.2019.
- i) Ex.P9 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 07.08.2019.

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

6. One of the attestors of the Will, Dr.S.Murugan, was examined as P.W.2. In his evidence, he has stated that the deceased M.Subramaniam, was his uncle and he executed his last Will and Testament on 15.12.2013 in his presence. At the request of the Testator, he subscribed his signature as the first attesting witnesses along with N.Ganesh and Dr.A.Thayappan, who attested the Will as the second and third 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. Ex.P10 is his affidavit in that regard.

7. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner being the wife (Class I legal heir) is entitled to the issuance of Letters of Administration.

8. 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

vsn



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