

O.P.No.1083 of 2018

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 Mrs.Sarala Ramachandran, mother of the petitioner and the respondent was ordinarily resided at Flat No.GF, Springdale Apartments, New No.55, Old No.23, Hindi Prachar Sabha Street, T.Nagar, Chennai-600 017 and died on 16.09.2018 at her residence. The deceased executed her last Will on 14.07.2018. 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's hands does not exceed in the aggregate sum of Rs.50,00,000/-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.50,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased in any way concerning his Will by paying first her 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 himself as P.W.1, and reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to 4.

- a) Ex.P1 is the photocopy of the death certificate dated 20.08.2001 of the Dr.N.Ramachandran.
- b) Ex.P2 is the original Will dated 14.07.2018.
- c) Ex.P3 is the original death certificate dated 26.09.2018 of Mrs.Sarala Ramachandran deceased.
- d) Ex.P4 is the original Legal heirship certificate dated 23.10.2018 of the Mrs.Sarala Ramachandran deceased.

5. The respondent is one of the attesting witnesses to Ex.P2 and in her evidence as PW-2 deposed that on 14.07.2018 she was present together with one Shantha Menon and both of them saw the Testatrix set and subscribe her name at the foot of Ex.P2 and thereafter, they signed as attesting witnesses. At that time, the deceased was of sound and disposing state of mind, memory and understanding.

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 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.

KMI

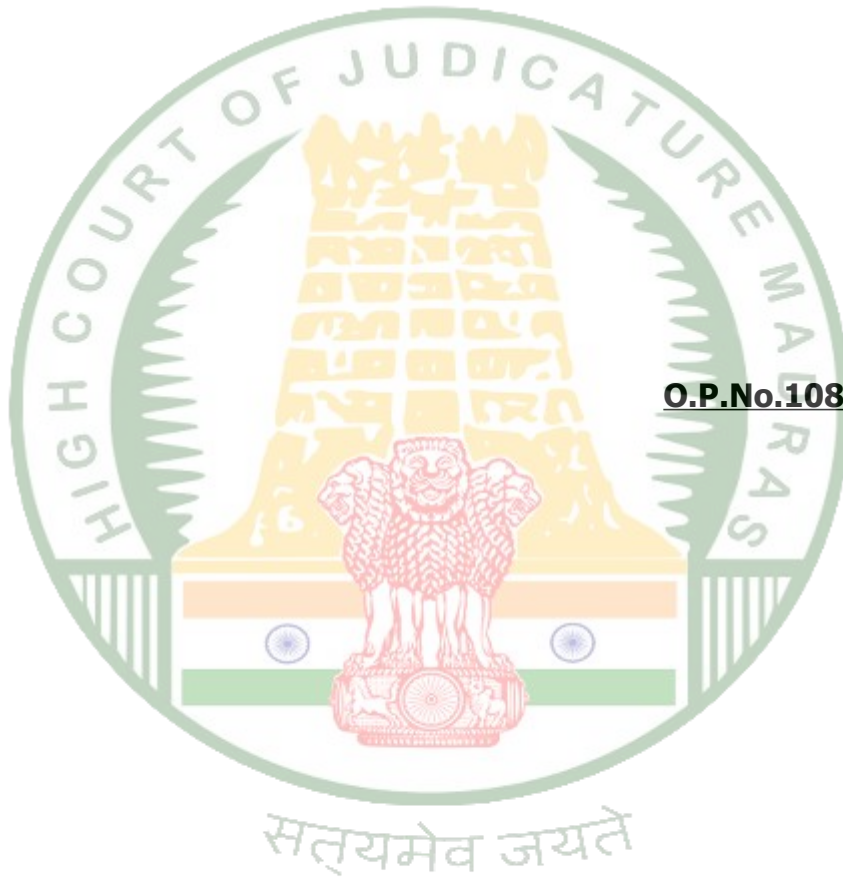
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