

O.P.No.795 of 2019

N.SATHISHKUMAR, J.

This petition has been filed Sec.232, 237 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S. Rules, for grant of Letters of administration in favour of the petitioner with the Will executed by late C.Jayaraman

2. The deceased C.Jayaraman is Senior father in law of the petitioner, died on 9.11.2007 leaving behind the Will, dated 6.4.2006. The respondents viz., mother-in-law and sons of the petitioner, are the other legal heirs of the Testator.

3. It is the case of the petitioner that the Testator executed a Will, dated 6.4.2006 registered as document No.20/2006 on the file the District Registrar, Madras Central. The first respondent is the mother-in-law of the petitioner and the respondents 2 and 3 are sons of the petitioner and they are other legal heirs of the deceased C.Jayaraman, Testator who died on 9.11.2007 leaving behind the Will, dated 6.4.2006. The respondents being the other legal heirs viz., mother in law and sons of the petitioner have filed consent affidavit expressing no objection for issuing Letters of Administration in favour

of the petitioner. The petitioner was examined as P.W.1. Ex.P1 is the original registered Will and Testament, dated 6.4.2006 executed by the deceased C.Jayaraman. Ex.P2 is the computer generated copy of the death certificate of the deceased C.Jayaraman, who died on 9.11.2007. Ex.P3 is the photocopy of the sale deed, dated 3.4.1986 executed in favour of the deceased C.Jayaraman. Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.2,28,00,000/-. Ex.P5 is a copy of the paper publication effected in one issue of Tamil daily "Makkal Kural", dated 11.12.2019. Ex.P6 is a copy of paper publication effected in one issue of English daily "Trinity Mirror", dated 17.12.2019. Ex.P7 is the affidavit filed by one One of the attesting witness viz., M.Neelakandan, was examined as P.W.2. In his evidence, P.W.2 has stated that the testator was in sound and disposing state of mind and he executed the Will in the presence of P.W.2 and another attesting witness. He has also seen the attesting witnesses signing the Will as witness. The Will is registered. The evidence of P.W.2 not only proves the execution of the Will by the testator and does not give any indication leading to suspicion. The Will has been proved in the manner known to law as no suspicious circumstances attached to the Will.

4 The pleadings and evidence led therefore make out a case for grant of Letters of Administration in favour of the petitioner.

5 In view of the above, Will has been duly proved, the petitioner is entitled to inherit the entire estate, credits and other valuables of the deceased C.Jayaraman for administration.

6 Consequently, the petition is allowed. The Letters of administration is ordered to be issued in favour of the petitioner, herein as the legal heir/beneficiary under the Will of the deceased C.Jayaraman.

7 The petitioner is directed to take out inventories of the assets of the deceased C.Jayaraman within six months from today and is further directed to render true and due accounts of the properties and credits within one year from today.

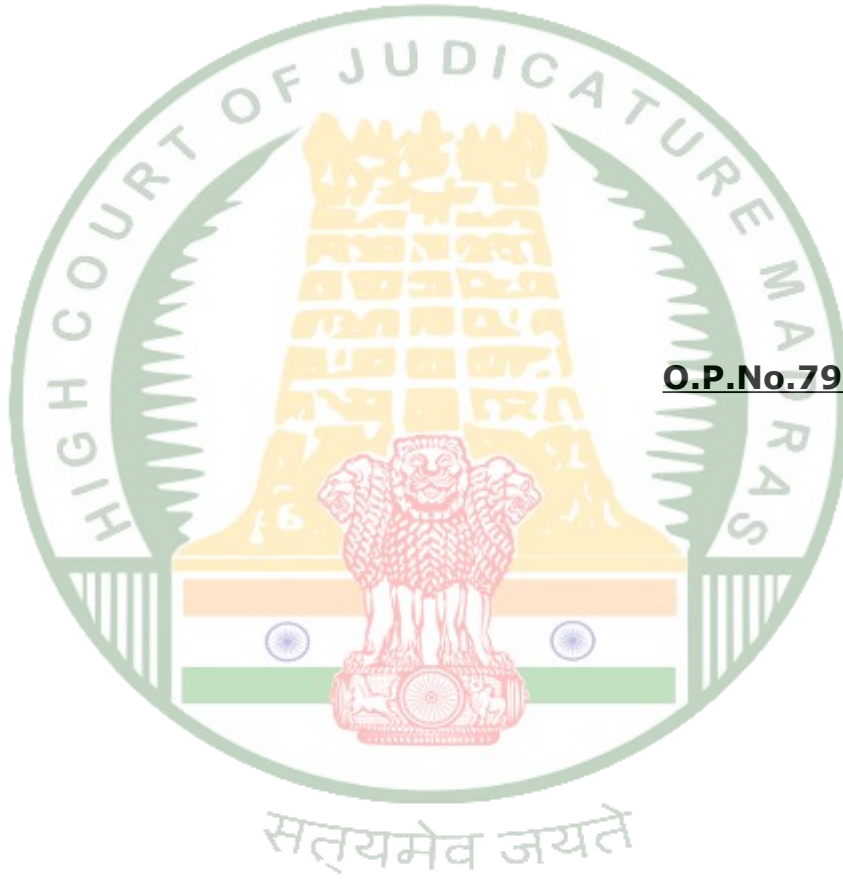
8 The petitioner is further directed to execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) in favour of the Assistant Registrar (O.S.), High Court, Madras 104.

5.11.2020

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Speaking/Non Speaking order
Index: Yes/No
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