

O.P.No.681 of 2019

R.PONGIAPPAN, J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking for grant of Letters of Administration in respect of the last Will and Testament of R.Padma.

2. This petition has been filed for grant of Letters of Administration in respect of the Will of one R.Padma executed on 25.04.2018 in favour of the petitioners. The 1st petitioner is the brother of the deceased; the 2nd petitioner is the sister of the deceased and the 3rd petitioner is the sister-in-law of the 2nd petitioner. The respondent is the adopted daughter of the deceased R.Padma. The petitioners are the legatees named in the Will dated 25.04.2018. The deceased R.Padma, had earlier executed two registered Wills dated 19.10.2016, bequeathing properties respectively to the 3rd petitioner and the respondent herein and the particulars of the same find place in the Will. The deceased R.Padma had not changed the bequeaths made in her earlier Wills and confirmed the same in her last Will dated 25.04.2018.

3. The husband of the deceased viz., P.Ramamuthy died on 07.04.2012 and the parents of the deceased also pre-deceased her. The petitioners are the beneficiaries under the Will of the deceased. There is no one available to be impleaded in this petition. The amount of assets which is likely to come to the petitioners' hands does not exceed in the aggregate sum of Rs.2,50,00,000/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.2,50,00,000/-. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

WEB COPY

4. Today, when the petition came up for hearing, the learned counsel appearing for the petitioners appeared through Video Conferencing. Though,

there is no representation on behalf of the respondent, she has filed her consent affidavit for allowing this petition. Further, on verification of documents, it appears that the 3rd petitioner has been examined as PW1. She deposed on her behalf and on behalf of the petitioners 1 and 2 and seven documents were marked as Ex.P1 to P7. The attesting witnesses viz., P.G.Lyla and N.R.Ravindran, have been examined as P.W.2 and PW3, respectively.

5. P.W.1 in her evidence had narrated the averments made in the petition stating that she has filed this petition for grant of Letters of Administration in her favour in respect of the Last Will and Testament executed by the deceased R.Padma, on 25.04.2018. Ex.P.1 is the computer generated Death Certificate of Mrs.R.Padma. The said certificate reveals the fact that the said R.Padma died on 23.06.2018. Ex.P2, is the Original Last Will and testament executed by the deceased R.Padma and the same shows that the deceased R.Padma executed the Will on 25.04.2018. Ex.P3, is the photocopy of Legal Heirship certificate dated 15.06.2012 in respect of P.Ramamurthy, who is the husband of the deceased. Ex.P4, is the affidavit of assets showing the net value of the estate as Rs.2,50,00,000/-. Ex.P5, is the consent affidavit given by the respondent herein

stating that she has no objection in grant of Letters of Administration as prayed in the petition. Ex.P6 and Ex.P7 are the copies of paper publication effected on 20.12.2019 and 12.12.2019 in one issue of Tamil Daily and one issue of English Daily, respectively. Though the paper publication is in order, none objected for the same.

6. One P.G.Lyla, who is one of the attesting witness in the Will, was examined as P.W.2. In her evidence, she has stated that she has attested the Will as first attesting witness in the Will. She has also stated that one N.R.Ravindran has signed as second attesting witness in the Will. She has also stated that the testatrix was in sound state of mind while executing the Will and she has also seen the testatrix signing the Will and the other attesting witness signing in the document. She has also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. Ex.P8, is the affidavit dated 11.12.2018 filed by P.W.2 in this regard. The second attesting witness N.R.Ravindran, has also filed a similar affidavit [Ex.P9] dated 11.12.2018. The evidence of attesting witnesses not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

7. In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

8. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

सत्यमेव जयते

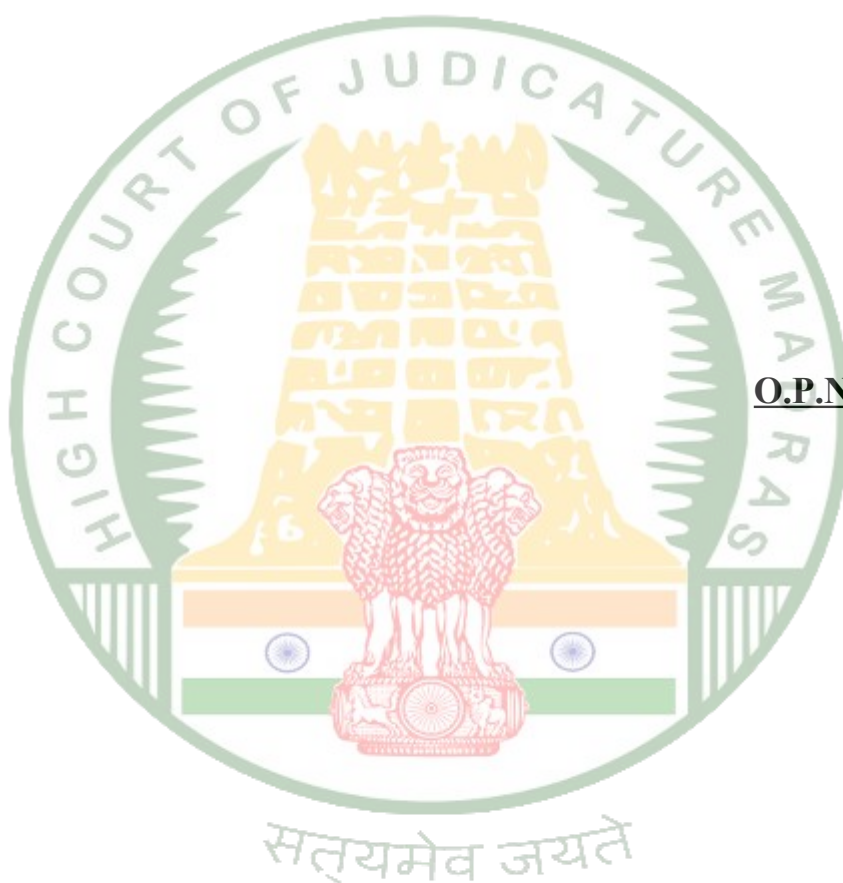
10.02.2021

ars

WEB COPY

R.PONGIAPPAN, J.

ars



O.P.No.681 of 2019

WEB COPY

10.02.2021