

O.P. No.901 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 to grant of Letters of Administration in respect of the last Will and Testament of Ponnammal.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Ponnammal executed on 22.04.1984 in favour of the petitioner. The petitioner is the daughter of the deceased and the respondents are legal heirs of one Mrs.Neelavathi (late), sister to this petitioner. The petitioner's siblings N.Arumugam, N.Kesavan, N.Subramani, N.Thyagaran and Neelavathi were died. The petitioner has taken care of her mother during her life time. The petitioner did not know anything about the legal heirs of other siblings. The deceased purchased various properties in her life time and settled the same to and in favour of her other daughter and sons with their satisfaction during her life time. The said Ponnammal died on 10.11.1985. The parents of the deceased

predeceased her. The petitioner has impleaded all the next of kin or other persons interested as respondents.

3. The amount of assets which is likely to come to the petitioner hands does not exceed in the aggregate sum of Rs.20,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.20,00,000/- The petitioner hereby undertakes to duly administer the specified property and credits of the deceased in any way concerning his 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 the 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.

4. The petitioner has examined herself as P.W.1 and the attesting witness J.Elumalai has been examined as P.W.2 and the documents Ex.P.1 to P.14 have been marked through them.

5. P.W.1 in her evidence had narrated the averments made in the petition stating that she was filing her proof affidavit stating the facts of this case and the same may be treated as part and parcel of her examination-in-chief. In continuation of her proof affidavit, the following documents were marked as exhibits on her side. EXP1 is the computer generated death certificate of her mother Ponnammal, who died on 10.11.1985. Exp2 is the original last Will and Testament executed by her mother Ponnammal on 22.04.1984. Exp3 is the photocopy of the certificate copy of Sale Deed dated 10.12.1931 registered as Doc No. 1669 of 1931 at SRO, Saidapet. Ex P4 is the photocopy of the original Missing Certificate of Doc No. 1669 of 1931 given by Inspector of Police, Avadi Police Station, dated 19.09 2018. Exp5 is the photocopy of her Aadhaar card bearing No.8860 0938 0252. Ex.P6 is the photocopy of her Voter Identity Card bearing No.TN/04/028/0117064. Ex P7 in the original Legal Heirship certificate dated 16.08.2018 in respect of her mother Ponnammal, issued by Tahsildar, Avadi. Ex.P8 is the affidavit of assets showing the net value of the estate as Rs. 20,00,000/-. Ex.P9 and Ex.P10 are the consent affidavits given by the 1st and 2nd respondent stating that they have no

objection in grant of Letters of Administration and as prayed in the Petition. Ex P11 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 12.03.2020. Ex P12 is a copy of paper publication effected in one issue of English daily "News Today" dated 20.03.2020.

6. On the side of the petitioner, one J.Elumalai was examined as P.W.2. In his evidence, he has stated that he is the grandson of the Testatrix Ponnammal. He had aware that the said Ponnammal executed a Will on 22.04.1984. He knows the signatures of attesting witnesses found in Ex.P2 Will, further the name of the attesting witness are one Subramani and Panjalai. He knows them as they are his neighbours. Both the attesting witnesses are no more. Ex P13 is the computer generated death certificate of C.Subramani, who died on 12.09.2020, who was 1st attesting witness in the Will dated 22.04.1984. Ex.P14 is the computer generated death certificate of S.Panjalai, who died on 01.10.2020. who was 2nd attesting witness in the Will dated 22.04.1984.

7. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in her favour.

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 schedule. 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.

09.02.2021

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