

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 03RD DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.344 of 2020

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of the Last Will
and Testament of Tmt.Sadhu
Balammal (Deceased)

1. R.VASUDEVAN,
S/O. RAMASAMY PILLAI,
No.3, Sundara Vinayagar Koil Street,
E.C.R.Road, Mahathma Nagar,
Pakkamudaiyanpet,
Pondicherry - 605 008

2. K.ILLANGO,
S/O.KANAGARAJ
New No.30, (Old No.2/32),
Mettu Street,
Koyavarpalayam,
Puducherry State

..Petitioners

Original Petition praying that this Hon'ble Court be pleased to grant
Letters of Administration annexed with the Will dated 22.12.2014 in favour
of the petitioners as beneficiaries of the said Will to have effect limited to
the State of Tamil Nadu.

This Original Petition coming on this day before this court for hearing the court made the following order:

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 Tmt. R. Sadhu Balammal.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Tmt. R. Sadhu Balammal executed on 22.12.2014 in favour of the petitioners. The said Tmt. Sadhu Balammal died on 05.11.2016. Her husband Mr.G. Ramasamy predeceased her on 07.05.1956. The Testator lived as a Saint and passed away without any relatives. 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.1,10,00,000/- 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.1,10,00,000/-. The petitioners hereby undertakes 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 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.

3. The First Petitioner was examined as P.W.1 and Ex.P.1 to P.10 were marked and the attesting witness Mr.S. Pushparaj was examined as P.W.2 and Ex.P.11 was marked through them.

4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in their favour in respect of the Last Will and Testament executed by the deceased Tmt. R. Sadhu Balammal executed on 22.12.2014 which is marked as Ex.P.5. Ex.P.4 is the death certificate of Mr.G. Ramasamy, husband of the Testator, who predeceased her on 07.05.1956. Ex.P.6 is the computer generated death certificate of the deceased Tmt. Sadhu Balammal, who died on 05.11.2016. Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.1,10,00,000/-.

Ex.P.9 and Ex.P.10 are paper publications in Tamil and English languages.

No one objected for the same.

5. One of the attesting witnesses Mr.S. Pushparaj was examined as P.W.2. In his evidence, he has stated that he is the distant relative of Tmt. R. Sadhu Balammal and the Testator executed the Will and Testament in his presence and in the presence of Mr.N.Lakshmanan. At the request of the Testatrix, he subscribed his signature as first attesting witness along with Mr.N.Lakshmanan in the presence of the Testatrix. She affixed her thumb impression in all the pages of the Will and at the time of executing the Will the Testatrix was in a sound and disposing state of mind, memory and understanding. The same was registered before SRO, Puducherry. Further he has filed his affidavit in this regard which is marked as Ex.P.11.

6. 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.

7. 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.

Sd/.R.P.A.J.
03.02.2021

//Certified to be a true copy//

Dated this the day of 2021

SU/17.02.2021

COURT OFFICER (O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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