

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 10TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.1033 of 2019

In the matter of Indian Succession
XXXIX of 1925 AND

In the matters of Last Will and
Testament of B.Rajeswari –
deceased.

P.N.NEELAKANDAN
S/o.Late P.C.Natraja Mudaliyar,
No.106, Madhavaram High Road,
Perambur, Chennai-600011

..Petitioner

Application praying that this Hon'ble Court be pleased to grant
Letters of Administration with the Will annexed to the petitioner as the
nephew/legatee under the Will of the Deceased having 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

Rules, seeking to grant of Letters of Administration in respect of the last Will and Testament of Tmt.B.Rajeswari

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Tmt. B.Rajeswari executed on 16.03.1986 in favour of her sister Late N.Gnanambal's son, the petitioner herein. The said testatrix B.Rajeswari died on 01.05.2006. The petitioner is the sister's son of the testatrix. There is no one available to be impleaded in this petition. The amount of assets which is likely to come to the petitioner's hand does not exceed in the aggregate sum of Rs.15,00,000/- 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.15,00,000/-. The petitioner 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 petitioner has examined himself as P.W.1 and the attesting witness Mr.S.Gopinath has been examined as P.W.2 and Ex.P.1 to P.9 have been marked.

4. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased B.Rajeswari on 16.03.1986. Ex.P.1 is the original Will executed by the deceased B.Rajeswari. Ex.P.1 shows that the deceased B.Rajeswari executed the Will on 16.03.1986. Ex.P.2 is the copy of the death certificate of the deceased B.Rajeswari. Ex.P.1 has been filed to prove that the testatrix B.Rajeswari died on 01.05.2006. Ex.P.3 is the computer generated Property Tax Receipt dated 20.07.2016. Ex.P.3 has been filed to prove that the property stands in the name of the testator B.Rajeswari. Ex.P.4 is the certified copy of the letter sent by the petitioner to the Tahsildar, Perambur Taluk requesting to issue Class II legal heir certificate. Ex.P.5 is the reply sent by the Tahsildar to the petitioner. Petitioner is the sister's son of the testatrix. Ex.P.6 is the affidavit of assets showing the net value of the estate of the deceased as Rs.15,00,000/-. Ex.P.7 and Ex.P.8 are paper publications and none objected for the same.

5. One Mr.S.Gopinath, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, P.W.2 has stated that he has attested the Will as first attesting witness and one Mr.L.Paramahamsan has signed as second attesting witness in the Will. He has also stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testatrix signing the Will and the other attesting witness signing in the document. He has also stated that the testatrix has seen the attesting witnesses subscribing their signature in the Will. Ex.P.9 is the affidavit filed by P.W.2 in this regard. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other material to suspect the Will.

6. 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 his favour.

7. 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

Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

Sd/.R.P.A.J.
10.02.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/16.03.2021

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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