



O.P.No.780 of 2010

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ABDUL QUDDHOSE, J.

This petition has been filed for Letters of Administration with a Will annexed. The petitioner is the nephew of the deceased Testatrix Mrs.J.Chokkammal, who died on 05.01.2007 leaving behind the Will dated 15.02.2005, in which the petitioner is the beneficiary.

2. The respondent is the first wife of the deceased D.Jaganathan Naidu. The Testatrix Mrs.J.Chokkammal (Deceased) is the second wife of Mr.D.Jaganathan Naidu. Mr.D.Jaganathan Naidu died on 10.07.2009, after the death of Mrs.J.Chokkammal, the Testatrix.

3. Under the Will dated 15.02.2005, Mr.A.Kachabalan and Mr.S.Elango are the attesting witnesses.

4. Before the Learned Master, the petitioner was examined as a witness (P.W.1). In his deposition, he has reiterated the contents of the petition filed in



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support of O.P.No.780 of 2010. Through P.W.1, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Computer generated death certificate of Mrs.J.Chokkammal, who died on 05.01.2007.
Ex.P-2	Original Will dated 15.02.2005 executed by Mrs.J.Chokkammal.
Ex.P-3	Computer generated death certificate of Mr.D.Jaganathan Naidu, who died on 10.07.2009.
Ex.P-4	Consent affidavit given by the respondent stating that she has no objection in grant of Letters of Administration as prayed in the petition.
Ex.P-5	Affidavit of assets showing the net value of the estate as Rs.1,00,000/-.
Ex.P-6	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.01.2013.
Ex.P-7	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 16.12.2012.

5. Through P.W.2, Mr.A.Kachabalan (first attesting witness), the following document was marked as exhibit:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-8	Affidavit of Mr.A.Kachabalan, P.W.2 (first attesting witness)



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6. One of the attesting witnesses viz., Mr.A.Kachabalan was examined as a witness (P.W.2). In his deposition, he has deposed that the Testatrix Mrs.J.Chokkammal is his neighbour and that he is well acquainted with her. He has also deposed that she executed the Will dated 15.02.2005 only in his presence and in the presence of the other attesting witness viz., Mr.S.Elango. He has also deposed that only at her request, he subscribed his signature as the first attesting witness along with Mr.S.Elango, the second attesting witness in the presence of Mrs.J.Chokkammal. He has also deposed that he saw Mrs.J.Chokkammal subscribing her signature at the foot page of Ex.P2 Will. He has also deposed that Mrs.J.Chokkammal was in sound and disposing state of mind, memory and understanding at the time of execution of Ex.P2 Will. P.W.2 has also filed an affidavit which has been marked as Ex.P8 in support of his deposition.

7. As seen from the evidence available on record, it is clear that Mrs.J.Chokkammal died on 05.01.2007 leaving behind the Will (Ex.P2) in which her nephew viz., the petitioner herein is the beneficiary.

8. The respondent, who is the wife of the Mr.D.Jaganathan Naidu, has



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also submitted the consent affidavit before this Court, which has been marked as Ex.P4, giving her consent for grant of Letters of Administration in favour of the petitioner.

9. The Testatrix Mrs.J.Chokkammal (Deceased) is the second wife of the Mr.D.Jaganathan Naidu. Mr.D.Jaganathan Naidu also died on 10.07.2009 as seen from his death certificate which has been marked as Ex.P3, subsequent to the death of the Testatrix Mrs.J.Chokkammal on 05.01.2007. Paper publication has also been effected in one issue of Tamil daily “Makkal Kural” dated 25.01.2013 and in one issue of English daily “Trinity Mirror” dated 16.12.2012, which have been marked as exhibits P6 and P7 respectively with regard to O.P.No.780 of 2010.

10. One of the attesting witnesses Mr.A.Kachabalan has also been examined as a witness (P.W.2). In his deposition, he has also deposed that only in his presence and in the presence of the other attesting witness Mr.S.Elango, the Testatrix Mrs.J.Chokkammal executed the Will (Ex.P2) in which the petitioner is the beneficiary. P.W.2 has also deposed that the Will has been executed by



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Mrs.J.Chokkammal (Testatrix) in a sound and disposing state of mind, memory and understanding.

11. After giving due consideration to the pleadings as well as to the evidence available on record, this Court is inclined to grant Letters of Administration in favour of the petitioner as prayed for.

12. Accordingly, this petition is allowed. Issue Letters of Administration of the Will dated 15.02.2005 (Ex.P.2) 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.

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