



O.P.No.1007 of 2019

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O.P.No.1007 of 2019

ABDUL QUDDHOSE, J.

This petition has been filed for letters of administration with a Will annexed.

2. The petitioner is the grand son of the deceased Testator N.Thirugnana Sambandam, who died on 26.06.1996 leaving behind a Will dated 06.12.1995 registered as Doc.No. 177 of 1995 at SRO, Anna Nagar, in which, the petitioner is the beneficiary.

3. The first respondent is the daughter of the deceased N.Thirugnana Sambandam. The second respondent is the daughter in law of the deceased Testator N.Thirugnana Sambandam and she is also the wife of the deceased T.Elango, who is predeceased son of the Testator N.Thirugnana Sambandam. The third respondent is the grand daughter of the Testator N.Thirugnana Sambandam and she is also the daughter of the second respondent. Under the registered Will dated 06.12.1995, there are two attesting witnesses viz., Mr.R.Arun and



Mr.K.Prakash.

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4. Before the learned Master, the third respondent, who is the grand daughter of the Testator as power agent of the petitioner was examined as a witness (P.W.1). In her deposition, she has reiterated the contents of the petition filed in support of O.P.No.1007 of 2019 and she has deposed that the petitioner is entitled for grant of letters of administration. Through P.W.1, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Original power of attorney dated 21.09.2019 executed by the petitioner in her favour.
Ex.P-2	Computer generated death certificate of Mr.N.Thirugnana Sambandam, who died on 26.06.1996.
Ex.P-3	Photocopy of the Legal Heirship certificate dated 16.07.1996 in respect of N.Thirugnana Sambandam.
Ex.P-4	Computer generated death certificate of T.Vishalakchi, who died on 18.06.2004.
Ex.P-5	Computer generated death certificate of T.Elango, who died on 10.12.2018.
Ex.P-6	Computer generated Legal Heirship certificate dated 25.01.2019 in respect of T.Elango.
Ex.P-7	Original Will dated 06.12.1995 executed by N.Thirugnana Sambandam, registered as Doc.No.177 of 1995 at SRO, Anna Nagar.



<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-8	Photocopy of the Sale Deed dated 30.04.1980 executed in favour of N.Thirugnana Sambandam, registered as Doc. No.646 of 1980, Periamet.
Ex.P-9	Affidavit of assets showing the net value of the estate as Rs.5,00,00,000/-.
Ex.P-10	Consent affidavit given by the first respondent herein stating that she has no objection in grant of Letters of Administration as prayed in the petition.
Ex.P-11	Consent affidavit given by the second respondent herein stating that she has no objection in grant of Letters of Administration as prayed in the petition.
Ex.P-12	Consent affidavit given by the third respondent herein stating that she has no objection in grant of Letters of Administration as prayed in the petition.
Ex.P-13	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 23.01.2021.
Ex.P-14	Copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 30.01.2021.

5. One of the attesting witnesses to the Will by name Mr.R.Arun was examined as P.W.2. He has deposed that he is well acquainted with the Testator Mr.N.Thirugnana Sambandam and that he is his maternal uncle. He has deposed that Mr. N.Thirugnana Sambandam (Testator) executed the Will (Ex.P7) only in his presence and the presence of the other attesting witness Mr.K.Prakash. He has also deposed that only on the request made by the Testator, he has subscribed his



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signature as the first attesting witness along with Mr.K.Prakash, who attested

Ex.P7 Will as the second attesting witness in the presence of Mr.N.Thirugnana Sambandam . He has also deposed that the Testator N.Thirugnana Sambandam retired as Chief Engineer in Public Works Department. He has also deposed that he and the other attesting witness saw Mr. N.Thirugnana Sambandam affixing his left thumb impression and only in their presence the Testator had affixed his left thumb impression in Ex.P7 Will. In support of his deposition, he has also filed a proof affidavit, which has been marked as Ex.P15. He has also stated in his proof affidavit that only in sound and disposing state of mind, memory and understanding, the Testator had executed the Will in which the petitioner is the beneficiary.

6. As seen from the evidence available on record, it is clear that the deceased Testator N.Thirugnana Sambandam had only two children and one of them who is the father of the petitioner predeceased the Testator on 10.12.2018. The other child of the Testator N.Thirugnana Sambandam is the first respondent who is his daughter. The second respondent is the wife of T.Elango (Deceased) and daughter in law of the Testator. The third respondent is the sister of the



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petitioner and the grand daughter of N.Thirugnana Sambandam (Testator) born to

Mr.T.Elango, the predeceased son of the Testator.

7. As seen from the evidence available on record, it is clear that the petitioner and the respondents are the only legal heirs of the deceased Testator N.Thirugnana Sambandam. The respondents have also submitted their consent affidavits before the learned Master which have been marked as Exs.P10, P11 and P12 and all of them have given their consent for grant of letters of administration in favour of the petitioner.

8. 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 as prayed for in favour of the petitioner. In the result, this petition is allowed as prayed for.

9. Accordingly, this petition is allowed. Issue Letters of Administration of the Will dated 06.12.1995 (Ex.P.7) in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully



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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.

21.12.2021

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