

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.10.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Original Petition No.1005 of 2019

P.Pagadala Sai

.. Petitioner

Vs.

1.P.Suresh

2.K.Lalitha

3.P.Prasanna Sai

.. Respondents

Original Petition (O.P) filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the Original Side Rules of this Court, and the petitioner has prayed to grant Letters of Administration in his favour, with the Will annexed to the petition, as he being the beneficiary/legatee under the Will of the deceased P.Gopal, having effect throughout the State of Tamil Nadu.

Schedule

House No.11 (Old No.62), 4th Street, Shakthivel Nagar, Chennai-600082, admeasuring about 600 sq.feet in open land of 2400 sq.feet.

Situated within the registration district of North Chennai and Sub

Registration district of Sembium and limits of Corporation of Chennai.

For petitioner : M/s.M.Stalin

For respondents:

Names of all respondents printed in cause list -No appearance.

ORDER

This Original Petition has been filed seeking to grant Letters of Administration in his favour, with the Will annexed to the petition, as he being the beneficiary/legatee under the Will of the deceased P.Gopal, having effect throughout the State of Tamil Nadu.

2. In the petition, it is stated as follows:

(a) The deceased P.Gopal is the Grand father of the petitioner, husband of the 2nd respondent, father of the 1st and 3rd respondent herein died at Puttaparthi on 09.06.2015 at Sathya Sai Institute of Higher Medical Science, Puttaparthi, where he was permanently and ordinarily residing and possessed property in the State of Tamil Nadu and within the jurisdiction of this Court.

(b). The writing hereunto annexed now shown to the petitioner and

marked with letter 'A' is the last Will and testament of the said P.Gopal. The said Will dated 16.07.2014, was duly executed at Chennai and registered by him as document No.76 of 2014 at the Office of the Registrar of SRO Anna Nagar in the presence of witnesses whose name appear at the foot thereof namely K.Munirathnam and B.Ravi. The affidavits of K.Munirathnam and B.Ravi are filed herewith.

(c). The petitioner, 1st respondent and the 2nd respondent are the only beneficiaries under the Will. The petitioner has impleaded all the next of kin or other persons interested to be impleaded. There are no other next of kin or other persons interested to be impleaded. The respondents have given consent affidavit.

(d). The amount of assets which are likely to come into the petitioner's hands does not exceed in the aggregate the sum of Rs.40,00,000/- (Rupees Forty Lakhs Only) and the net amount of the said assets after deducting all items which the petitioner is by law allowed to deduct is only of the value of Rs.40,00,000/- (Rupees Forty Lakhs only)

(e). No executor has been appointed in the Will dated 16.07.2014. There is no delay in filing the present application for grant of Letters of

Administration.

(f). No application has been made to any District Court or delegate or to any other Hig Court for the Probate of any Will or Letters of Administration with or without the Will annexed of his property and credits, except the Petition for Letters of Administration in O.P.No.774 of 2016, filed by P.Suresh in respect of his bequath under the said will and ordered by this Court on 28.04.2017.

(g). The petitioner undertakes to duly administer the property and credits of the said P.Gopal (deceased) in any way concerning his Will by paying first his debts and then the legacies therein bequeathed so ar as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of grant of Letters of Administration with the Will annexed to the petitioner and also to render to this Court a true account of the said property and credits within one year from the said date. . Hence, for the above reasons, the petitioner has filed the present Original Petition (O.P) for the relief stated supra.

3. The petitioner examined himself as P.W.1 and filed Exs.P-1 to

P-11. Ex.P-1 is the certified copy of the Will dated 16.07.2014 executed by P.Gopal, which has been attested by two attesting witnesses namely 1.K.Munirathnam and 2.B.Ravi. The certified copy of the Will was obtained from this Court. (The original Will was filed in O.P.No. 774 of 2016. Original is not produced. Counsel for the petitioner insisted for marking of this document. Admissibility and evidentiary value of this document will be decided later. Ex.P2 is the certified copy of the death certificate of P.Gopal, who died on 09.06.2015 (The original death certificate has been filed in O.P.No.774 of 2016. Original is not produced. Counsel for the petitioner insisted for marking of this document. Admissibility and evidentiary value of this document will be decided later). Ex.P3 is the certified copy of the Legal Heirship certificate dated 12.08.2015 in respect of P.Gopal (The original legal heirship certificate has been filed in O.P.No. 774 of 2016. Original is not produced. Counsel for the petitioner insisted for marking of this document. Admissibility and evidentiary value of this document will be decided later). Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.40,00,000/-. Ex.P5 is a copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 12.08.2021. Ex.P6 is a

copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 21.08.2021. Ex.P7 is the consent affidavit given by the 1st respondent. Ex.P8 is the consent affidavit given by the 2nd respondent. Ex.P9 is the consent affidavit given by the 3rd respondent. Ex.P.10 is the certified copy of the affidavit of the 1st attesting witness K.Munirathnam filed in O.P.No.774 of 2016 and Ex.P11 is the certificate copy of the affidavit of the 2nd attesting witness B.Ravi filed in O.P.No. 774 of 2016.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though the names of the respondents have been printed in the cause list and newspaper publication has also been effected, there is no representation for the respondents, either through a counsel or in person.

5. Considering the averments made in the petition and on perusing the materials available on record, this Court is satisfied that the petitioner is entitled for issuance of Letters of Administration as prayed for.

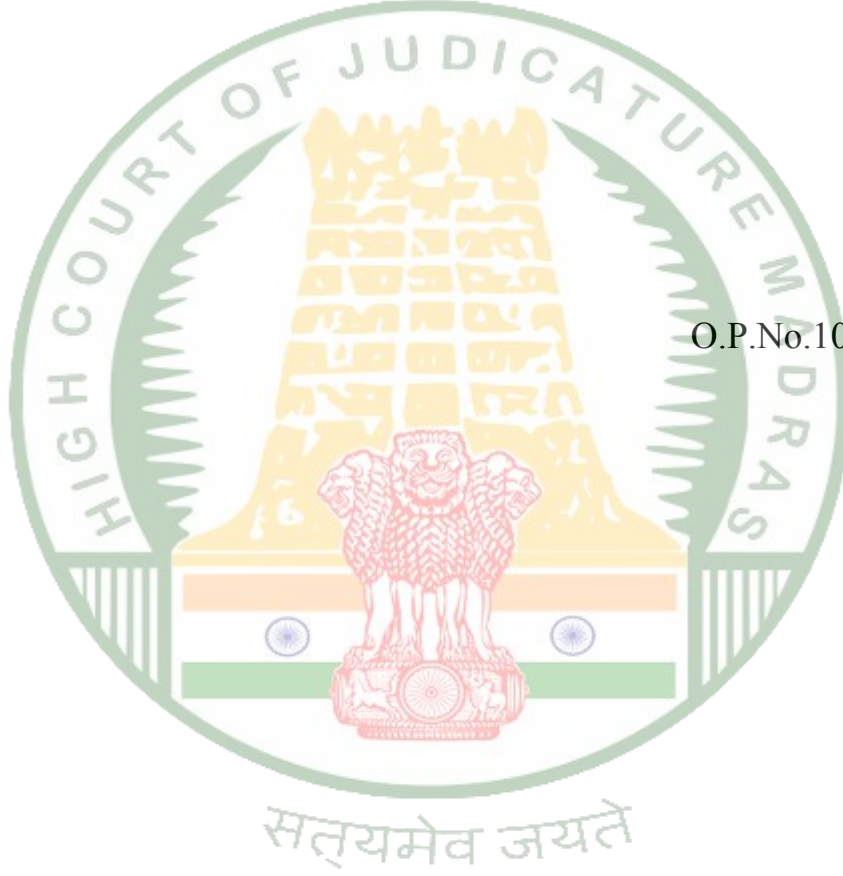
6. Accordingly, this petition is ordered as prayed for. Registry is directed to issue Letters of Administration in favour of the petitioner having effect throughout the State of Tamil Nadu, he being the beneficiary/legatee under the Will of the deceased. As undertaken by the petitioner, the petitioner is directed to duly administer the properties and credits of the deceased in any way concerning his Will by paying first his debts and then the legacies therein bequeathed, so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration with the Will annexed to the petition. 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. As undertaken by the petitioner, the petitioner is directed to render this Court a true and correct accounts within one year from the date of grant of Letters of Administration.

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V. PARTHIBAN, J.



O.P.No.1005 of 2019

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