

O.P.No.941 of 2018

V.PARTHIBAN.,J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2.In the petition, it is stated that the deceased S.Rajalakshmi died on 16.11.2004 at No.A50, Vishalakshi Thottam warrant Road, Mylapore, Chennai – 600 004 and she was ordinarily residing at the said address. The deceased possessed the property within the jurisdiction of this Court. The deceased died leaving behind her two sons. The parents of the deceased predeceased her. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.7,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner in law allowed to deduct is only of the value of Rs.7,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased S.Rajalakshmi and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letters of Administration to the petitioner and also render a true account of the said property and credits within

one year from the said date. No application has been filed in any other Court for Letters of Administration.

3.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P7:

Ex.P1 is the original registered Will and Testament dated 28.11.1995 executed by Mrs.S.Rajalakshmi.

Ex.P2 is the photocopy of the sale deed dated 28.11.1997 executed in favour of S.Rajalakshmi.

Ex.P3 is the original death certificate of Mrs.S.Rajalakshmi, who died on 16.11.2004.

Ex.P4 is the original legal heirship certificate dated 15.02.2013 in respect of S.Rajalakshmi.

Ex.P5 is the affidavit of assets showing the net value of the estate as Rs.7,00,000/-.

Ex.P6 is the copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 12.11.2020.

Ex.P7 is the copy of the paper publication effected in one issue of English daily "Trinity Mirror" dated 19.11.2020.

4.One Mr.V.Ganesan, examined himself as P.W.2 and stated that the deceased was his neighbor and family friend and he is aware that the deceased has executed a Will dated 28.11.1995. Ex.P8 is the affidavit of Mr.V.Ganesan.

5.Considering the averments made in the petition and on perusing the materials available on record, this Court is satisfied that the petitioners are entitled to the issuance of Letters of Administration.

6.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.

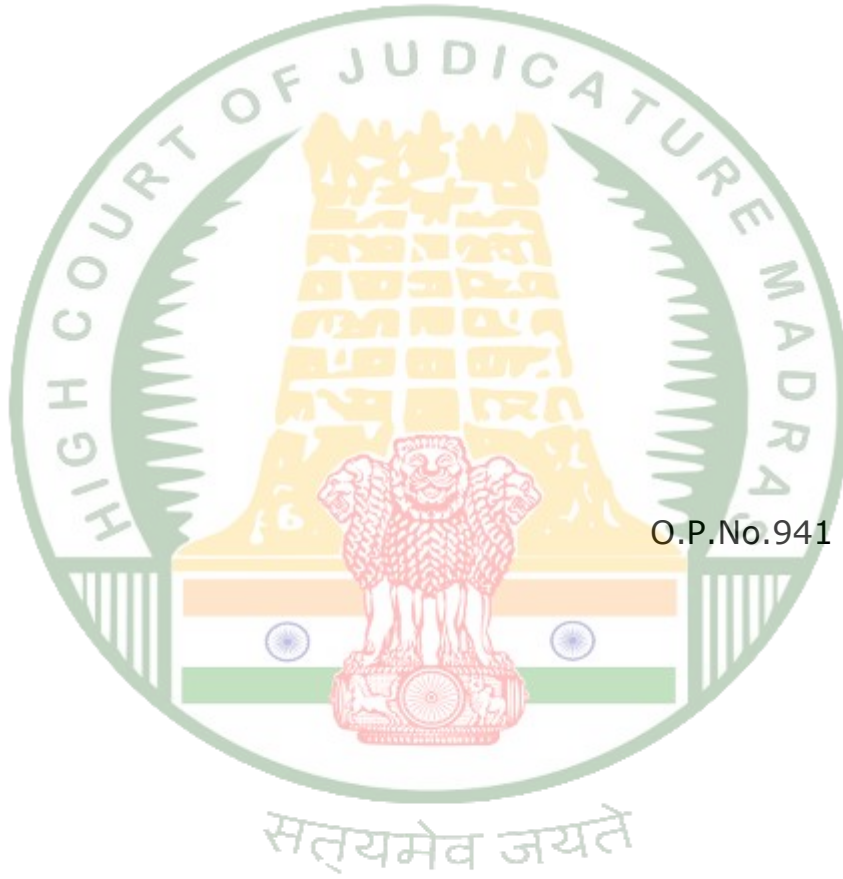
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