



O.P.No.555 of 1999

RESERVED ON	: 20.04.2022
PRONOUNCED ON	: 28.04.2022

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P.VELMURUGAN,J.

This Original Petition has been filed seeking for Letters of Administration with the Will annexed.

2. One Subramaniam who is a resident of Chennai, had executed a Will dated 09.08.1995 registered as Document No.64 of 1995 in Book No.3 in the office of the Sub Registrar, Periamet, Chennai, and subsequently, died on 15.12.1996. The petitioner is the daughter, the 1st respondent is the wife, the 2nd and 3rd respondents are the sons of the said Subramaniam respectively. During the pendency of the petition, the 1st respondent who is the wife of the deceased died on 23.05.1998 and the 2nd respondent who is son of the deceased died as bachelor on 04.02.2010.

3. Under the Will, the petitioner is the beneficiary and no executor



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had been appointed in this Will. Therefore, the petitioner has filed the petition for letters of administrations in order to substantiate her claim.

4. Before the learned Master, the petitioner was examined as a witness (PW1). In her deposition, she reiterated the contents of the petition filed in support of this petition. The following documents were marked as Exhibits :

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	The original death certificate of P.W.1's father A.Subramaniam who died on 15.12.1996.
P2	The original registered Will executed by P.W.1's father A.Subramaniam on 09.08.1995 and registered as document No.64/1995 before the SRO., Periamet.
P3	The Original legal heirship certificate dated 16.12.1997 in respect of P.W.1's father
P4	The consent affidavit given by the third respondent
P5	The affidavit of assets showing the net value of property at Rs.2,00,000/-.
P6	Series (2 Nos.) are the copies of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 05.07.2013 and one issue of English Daily "Trinity Mirror" dated 12.07.2013 respectively.
P7	Proof affidavit of P.W.1
P8	The Original death certificate of P.W.1's mother Mrs.Pushpammal who died on 23.05.1998
P9	The computer generated copy of the death certificate of P.W.1's brother Mr.Baskar who died as a bachelor on 04.02.2010
P10	The original letter dated 15.02.2013 issued by the Thasildar stating that the legal heirship certificate shall be given only to the direct legal heirs of the deceased Baskar, hence, P.W.1's application unable to proceed.



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5. The 3rd respondent who is the younger brother of the petitioner has given consent by filing consent affidavit and the same has been marked as Ex.P.4.

6. The Will has to be proved by examining the attestors. The said Will has been attested by two attestors by name P.Babu and S.T.Sambandam. The said P.Babu was examined as P.W.2 and he has deposed that the Testator A.Subramaniam is his family friend who was in a sound and disposing state of mind, memory, understanding and in good health while executing the Will. He has also deposed that he subscribed his signature as a first attesting witness along with one S.T.Sambandam who attested the Will as a second attesting witness and only in their presence, the testator subscribed his signature at the time of execution of the Will. He has further deposed that he was also one of the identifying witnesses at the time of registration of the Will. Since it is an uncontested Will as the third respondent who is the only surviving respondent has given consent affidavit and one of the attesting witnesses has also been examined as PW2 who has deposed that he saw the subscription of signatures by both the testator and the other attesting



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witness, the Will has been proved as contemplated under Section 68 of the Evidence Act.

7. An averment has also been made in the petition that no application has been made to any District Court or delegate or to any High Court for probate of the Will of the said deceased or Letters of Administration with or without Will annexed to his property and credits.

8. After perusing and examining the evidence available on record and after hearing the submissions of the learned counsel for the petitioner, this Court is inclined to grant letters of Administration as prayed for in favour of the petitioner in OP No.555 of 1999. Accordingly, this petition is ordered.

9. Registry is directed to issue Letters of Administration in favour of the petitioner having effect limited to the Union of India, she 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



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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 account within one year from the date of grant of Letters of Administration.

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Pre-Delivery Order in

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