



O.P.No.490 of 2019

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WEB CO **KRISHNAN RAMASAMY.J.**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act 1925 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 petition schedule property was originally belonging to the paternal grandfather K.R.Velayudha Mudaliar, who subsequently, settled the same in favour of his wife Tmt.Navaneethammal @ Meenakshisundaramal and elder son Kalyanasundaram @ K.A.Sundaram by settlement deed dated 19.5.1965. Later Tmt.Navaneethammal @ Meenakshisundarammal, died on 09.09.1993 and Thiru K.R.Kalyanasundaram @ K.R.Sundaram died on 19.09.1995. During their life, both of them executed a Will and testament on 01.01.1991 in the presence of witnesses, however, they have not appointed any executor in the Will. The Will was not registered one and by way of Will, the testators bequeathed their property in favour of K.R.Sundaravadivelu and his wife Kamalasundaravadivelu, who are 1st and 2nd respondents herein for their life time and after their life time, in favour of the 1st petitioner absolutely. Since the life interest holders, viz.,



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1st and 2nd respondents herein were alive, the petitioner has not take any steps to get Letter of Administration, which caused the delay. The husband of the testatrix Navaneethammal, Mr.Velayudha Mudaliar had pre-deceased to her and the testator K.R.Kalyanasundaram died as bachelor and the parents of testatrix Navaneethammal had predeceased to him.

3. The amount of assets which is likely to come to the petitioners hands, does not exceed Rs.25,00,000/-. The petitioners undertake to duly administer the property and credits of the deceased testators, viz., Tmt.Navaneethammal @ Meenakshisundaramal and Thiru Kalyanasundaram @ K.A.Sundaram 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 petitioners 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.

4.The petitioner, who examined himself as P.W.1, reiterated the



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averments made in the petition and filed the following documents viz.,

Exs.P1 to P10:

Ex.P1 is the certified copy of the Sale Deed dated 04.09.1957 executed in favour of K.R.Velayudha Mudaliar.

Ex.P2 is the photocopy of the Settlement deed dated 19.05.1965.

Ex.P3 is the computer generated death certificate of K.R.Navaneetha Ammal @ Meenakshi Sundaram.

Ex.P4 is the photocopy of the Legal Heirship certificate of K.R.Navaneethammal @ Meenakshisundaram.

Ex.P5 is the original death certificate of K.R.Kalyana Sundaram.

Ex.P6 is the original unregistered Will dated 01.01.1991 executed by Mrs.Navaneethammal @ Meenakshi Sundarammal and Mr.K.R.Kalyanasundaram @ K.R.Sunaram.

Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.25,00,000/-.

Ex.P8 is the photocopy of the Patta.

Ex.P9 is the original Encumbrance Certificate from 01.01.1975 to 31.08.2018.

Ex.P10 are the copies of paper publications effected in one issue of



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Tamil daily “Makkal Kural” dated 04.09.2019 and one issue of English daily “Trinity Mirror” dated 11.09.2019. Despite the paper publication also, none has appeared and raised objections.

5. Further, one Mr.B.Murugavel, was examined as PW.2. He stated in the evidence that Mrs.Navaneethammal is his paternal aunt and Mr.K.R.Kalyanasundaram is the son of Mrs.Navaneethammal. He was present at the time of execution of Ex.P6 Will by Tmt.Navaneethammal and Mr.K.R.Kalyanasundaram, along with Mr.D.Mohansundaram and he was well acquainted with the signature of testator and testatrix.

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

7. Accordingly, this petition is allowed. Issue Letters of Administration 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)



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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.

07.07.2022

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