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WEB CO **KRISHNAN RAMASAMY.J.**

This Petition has been filed under Sections 232, 255 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 the Testatrix, Papathi Ammal died on 22.06.1956 and she possessed the property within the jurisdiction of this Court. The husband of the testatrix predeceased her. She had only one son, who married to Indirani Ammal and later he also died in the year 1942 i.e., three years after his marriage. After the demise of her husband and son, the said Papathi Ammal was residing with her daughter-in-law/Indirani Ammal, till her demise. The said Indirani Ammal, later remarried one Krishnan in the year 1952 and out of the wedlock, she was blessed with three sons and three daughters. Indirani Ammal is the mother of the 1st petitioner and the respondents 1 to 5 herein. 6th respondent is the husband of the Indirani Ammal. 2nd and 3rd petitioners are the children of K.Rangarajan/1st petitioner herein. During the life time of the testatrix, she executed a Will and testament on



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09.05.1959 in the presence of witnesses and got registered vide document No.17 of 1959. The petitioners and the respondents are the beneficiaries to the estate of the testatrix through the Will dated 09.05.1959. The amount of the assets which are likely to come into the petitioners' hands does not exceed the aggregate sum of Rs.20,00,000/-. The petitioners undertake to duly administer the property and credits of the testatrix Papathi Ammal 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.

3.The 1st petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P14:

Ex.P1 is the true extract of the death certificate of his grandmother Papathiammal, who died on 22.06.1959.

Ex.P2 is the original registered Will dated 09.05.1959 executed by



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his grandmother Papathiammal. This Will has been attested by two attesting witnesses namely G.Veeraghavan and N.Subramani.

Ex.P3 is the original death certificate of his mother K.Indirani Ammal, who died on 01.10.1992.

Ex.P4 is the certified copy of the Sale Deed dated 01.03.1937, registered as Doc.No.391 of 1937 on the file of the SRO, Mylapore.

Ex.P5 is the certified copy of the Sale Deed dated 01.03.1937, registered as Doc.No.392 of 1937 on the file of the SRO, Mylapore.

Ex.P6 is the affidavit of assets showing the net value of the property as Rs.19,80,000/-.

Ex.P7 is the original sketch for the land mentioned in the Will Ex.P2.

Ex.P8 is the photocopy of the notice dated 25.04.1955 issued by the Corporation of Madras to the Testatrix Mrs.Pappathi.

Ex.P9 is a copy of paper publication effected in one issue of Tamil Daily “Malai Sudar” dated 25.09.2013.

Ex.P10 is a copy of paper publication effected in one issue of English Daily “Trinity Mirror” dated 02.10.2013. Despite the paper publication also, none has appeared and raised objections.

Ex.P11 is the consent affidavit given by the 1st respondent.



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Ex.P12 is the consent affidavit given by the 3rd respondent.

Ex.P13 is the consent affidavit given by the 4th respondent.

Ex.P14 is the certified copy of the Sale Deed dated 12.07.1968.

4. Further one Mrs.Nagavalli, was examined as PW.2 and marked Exhibits P15 to P18. She is the daughter of late Mr.Veeraraghavan, who is the first attesting witness in the Will dated 09.05.1959 and he died on 20.06.1970 and she is well acquainted with the signature of her father.

Exhibits P15 to P18 are as follows:

Ex.P15 is the computer generated birth certificate of PW2.

Ex.P16 is the computer generated death certificate of her father

Ex.P17 is the photocopy of her Aadhaar Card.

Ex.P18 is the photocopy of her school record.

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



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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.

28.06.2022

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