



O.P.No. 512 of 2020

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C.V.KARTHIKEYAN, J.

The petition is filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of Original Side Rules, seeking Letter of Administration with Will annexed executed by Dr. R. Precillia, the mother of the petitioner herein. Dr. R. Precillia died on 16.05.2010.

2. The petitioner had earlier filed O.P. No. 104 of 2011 seeking succession certificate with respect to the securities and credits standing in the name of her mother. She was a minor when her mother died. Thereafter, she pursued her education and completed her medicine course. She was not able to file this particular application seeking Letters of Administration. She also stated that her mother and her father, S.R. Solomon, got separated and their marriage was dissolved by mutual consent in I.D.O.P. No. 100 of 2003, by judgment dated 27.02.2004 passed by the Principal District Judge, Chengalpattu.



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3. The custody of the petitioner was handed over to her mother.

The respondent is her brother, whose custody was handed over to the father.

4. Though the respondent had been served, he has taken a conscious decision, not to appear before this Court. Therefore, he is set ex-parte.

5. The petitioner was directed to tender evidence. Accordingly, the petitioner examined herself as P.W.1. The death certificate of her mother was marked as Ex.P.1. The original Will dated 05.01.2010 was marked as Ex.P.2. The certified copy of the order in O.P. No. 100 of 2003 dated 27.02.2004 was marked as Ex.P.4. The legal heirship certificate of her mother was marked as Ex.P.5. The certified copy of the Succession Certificate dated 11.03.2013 in O.P.No. 104 of 2011 was marked as Ex.P.7. The affidavit of assets was marked as Ex. P.11.

6. The petitioner also examined Dr. Kalaiarasi, as P.W.2. She was a friend of the mother of the petitioner. She was one of the attesting witnesses. In the affidavit, she has specifically stated that she and the other



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attesting witness and the testator signed the Will in the presence of each other and when the testator signed the Will, she was in a sound and disposing state of mind. The affidavit of the witness was marked as Ex.P.14.

7. In view of the evidence tendered, the petition stands allowed as follows:

(a) The Letters of Administration shall be issued in favour of the petitioner in respect of the properties mentioned in the petition.

(b) The petitioner is directed to duly administer the said properties of the deceased.

(c) 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.

(d) The petitioner is further directed to render true and correct accounts once in year.



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WEB COPY 8. Learned counsel placed a request for return of the original documents. If xerox copies of the same are substituted, then the Registry may return back the original documents.

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