



O.P.No.738 of 2021

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KRISHNAN RAMASAMY.J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 4 of the Original Side Rules, 1956, seeking to grant Letters of Administration.

2. In the petition, it is stated that the testatrix Mrs.Indirani, who was the sister of late Mr.A.Jayagopi (father of the petitioner) died on 13.01.2002. The parents and husband of the testatrix had predeceased her. During the lifetime of the testatrix, out of the love and affection, the testatrix executed a Will dated 12.01.2002 in favour of her only brother namely late Mr.A.Jayagopi, father of the petitioner. Thereafter, Mr.A.Jayagopi also died on 09.10.2018 at the age of 65 years. As late Mr.A.Jayagopi was suffering with several health ailments, he could not file the petition for grant of letters of administration before this Court. Late Mr.A.Jayagopi had left behind his wife J.Devaki, the respondent and A.J.Sathiyarayanan, the petitioner herein as his only surviving legal heirs. Hence, the petitioner being the only son of late Mr.A.Jayagopi has filed the present petition seeking to grant letter of administration. The respondent is the mother of the petitioner and she has no objection for the same. The amount of the assets which are likely to come into the petitioner's hand does not exceed



the aggregate sum of Rs.80,00,000/-. The petitioner undertake to duly administer the property and credits of the deceased Mrs.Indirani by paying her debts first and then the legacies bequeathed in so far as the assets will extend 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. In order to prove his case, the petitioner examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P10:

Ex.P1 is the photocopy of the Sale Deed dated 28.01.1967.

Ex.P2 is the original death certificate of P.Govindasamy.

Ex.P3 is the original Will dated 12.01.2002 executed by Indirani.

Ex.P4 is the original death certificate of G.Indirani.

Ex.P5 is the computer generated death certificate of A.Jayagopi.

Ex.P6 is the computer generated Legal Heirship in respect of A.Jayagopi.

Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.80,00,000/-.



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Ex.P8 is the consent affidavit given by the respondent.

Ex.P9 is the copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 28.04.2022.

Ex.P10 is the copy of paper publication effected in one issue of English daily 'Trinity Mirror' dated 05.05.2022.

4. Further, one Mr.N.Ramesh, attesting witness, examined himself as P.W.2 and marked his affidavit as Ex.P11. He stated in his affidavit that he knew Mrs.Indirani as a family friend and he signed as the first attester and his wife namely Devika signed as the second attester in Ex.P3 Will. He further states that at the time of execution of the Ex.P3 Will, Indirani was in a sound and disposing state of mind but as she was ailing from Asthma disease, she affixed her left thumb impression in Ex.P3 Will.

5. In the light of the averments made in the petition and the deposition of P.W.1 and P.W.2 supported by documents Exs.P1 to P11, it is clear that the petitioner has proved the Will and there is no contra evidence. Hence, this Court is satisfied that the petitioner is entitled to the issuance of Letters of Administration.



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6. Accordingly, this Original 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) 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.

30.08.2022

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