



O.P.No.561 of 2021

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KRISHNAN RAMASAMY.J.

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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 for grant of Letters of Administration.

2.In the petition, it is stated that the Testator, M.N.Swaminathan, died on 22.04.2018 and he possessed the various properties within the jurisdiction of this Court. The petitioner and the respondents are the children of the Testator. The petitioner's mother also passed away on 20.05.2015. During his life time, he executed a unregistered Will on 14.11.1996. The amount of the assets which are likely to come into the petitioners' hands does not exceed the aggregate sum of Rs.1,20,72,060/-. The petitioner undertake to duly administer the property and credits of the deceased M.N.Swaminathan 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.



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3.The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz.,

Exs.P1 to P11:

Ex.P1 is the original unregistered Will and Testament dated 14.11.1996 executed by M.N.Swaminathan.

Ex.P2 is the computer generated death certificate of M.N.Swaminathan.

Ex.P3 is the computer generated death certificate of Saraswathy Swaminathan.

Ex.P4 is the computer generated Legal Heirship certificate of M.N.Swaminathan.

Ex.P5 is the photocopy of the Sale Deed dated 02.04.1974 executed in favour of M.N.Swaminathan.

Ex.P6 is the downloaded copy of the guideline value of the property.

Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.1,20,72,060/-.

Ex.P8 is the copy of Paper Publication effected in one issue of Tamil daily “Makkal Kural” dated 03.03.2022.



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Ex.P9 is the copy of Paper Publication effected in one issue of

English daily “Trinity Mirror” dated 10.03.2022.

Ex.P10 is the consent affidavit given by the first respondent.

Ex.P11 is the consent affidavit given by the second respondent.

4.Further, one Dr.Banumathi Ramakrishna, was examined as PW.2 and marked her affidavit as Ex.P12. She is a third party and the attesting witnesses to the Will namely Mr.E.D.Ranganathan and Mrs. Gnanambal are her parents and hence she was well acquainted with the signature of the Testator as well as attesting witnesses to the Will.

5.Despite the paper publication also, none has appeared and raised their objections.

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



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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 petitioner is further directed to render true and correct accounts once in a year.

03.08.2022

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