



O.P.No.815 of 2021

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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 the deceased/testator was the paternal grandfather of the petitioner. The testator, during his life time, executed a Will dated 08.08.2005 and it was registered as Document No.53 of 2005 on the file of S.R.O., Poonamallee. The testator passed away on 19.07.2008. The testator has seven legal heirs including his wife Mrs.Sakunthala who passed away on 27.08.2016. His daughter Mrs.Kalyani has passed away on 23.11.2011 and her husband and son were impleaded as respondents 2 and 3. His son, namely Mr.Jayachanthiran has also passed away on 20.10.1988 as a bachelor without any issues. His other daughters, namely Mrs.Govindammal, Mrs.Sivagami and Mrs.Menaka are the 1st, 4th and 5th respondents. Another son of the testator is Mr.Jayakumar, who has also passed away on 24.11.2008 and his legal heirs are impleaded as respondents 6, 7 and 8 and the petitioner is also one of the legal



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heirs of Mr.Jayakumar. There are no other Class I legal heirs of the deceased. By the above said Will of the deceased, the petitioners father Mr.D.Jayakumar was appointed as the executor of the Will, who died within four months of the demise of the deceased/testator. Here the petitioner is the grandson of the deceased/testator.

3. The learned counsel appearing for the respondents submitted that all the respondents have given their consent in favour of the petitioner for grant of Letters of Administration. Paper publication was also effected in one issue of Tamil daily in “Makkal Kural” and also in one issue of English daily "Trinity Mirror". Subsequent to the publication, no one appeared and raised any objection for grant of Letters of Administration in favour of the petitioner in respect of petition schedule mentioned property. The petitioner undertakes to duly administer the property and credits of the deceased K.V.Dandapani Chettiar 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 to 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



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Administration.

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4.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 P14:

Ex.P1 is the photocopy of the Sale Deed dated 31.01.2005 executed in favour of K.V.Dhandapani Chettiar (Compared with the original).

Ex.P2 is the photocopy of the Sale Deed dated 08.02.2005 executed in favour of K.V.Dhandapani Chettiar (Compared with the original).

Ex.P3 is the original registered Will and Testament dated 08.08.2005 executed by Mr.K.V.Dhandapani Chettiar.

Ex.P4 is the photocopy of the death certificate of T.Jeyachandran (Compared with the original).

Ex.P5 is the photocopy of Aadhaar card (Compared with the original).

Ex.P6 is the photocopy of the death certificate of K.V.Dhandapani (Compared with the original).

Ex.P7 is the photocopy of the Legal Heirship certificate of K.V.Dhandapani (Compared with the original).

Ex.P8 is the photocopy of the death certificate of D.Jeyakumar (Compared



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with the original).

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Ex.P9 is the photocopy of the Legal Heirship certificate of D.Jeyakumar (Compared with the original).

Ex.P10 is the computer generated death certificate of T.Kalyani (Compared with the original).

Ex.P11 is the photocopy of the death certificate of D.Sagunthala (Compared with the original).

Ex.P12 is the affidavit of assets showing the net value of the estate as Rs.85,00,000/-.

Ex.P13 is the copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 16.05.2022.

Ex.P14 is the copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 23.05.2022.

4. Further, one Mr.M.A.Raaja Sekara Pandiyan, who is an attesting witness, was examined as PW.2 and marked his affidavit as Ex.P15. He deposed that he subscribed his signature as second attestor to Ex.P3/Will, which was executed by the deceased K.V.Dhandapani in his presence on his own will and in sound mind



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without any coercion.

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

6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner to have effect throughout the state of Tamil Nadu. 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 petitioner is further directed to render true and correct accounts once in a year.

18.08.2022

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