



O.P.No.776 of 2021

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KRISHNAN RAMASAMY.J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 and under 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 Testator, namely, S.R.Sundaram was a widower and died issue-less on 04.05.2021. Further, his wife and parents predeceased him and he bequeathed his properties mentioned in the Schedule of properties to the petitioners, which are within the jurisdiction of this Court. The 1st petitioner is the son of S.R.Paramasivam Mudaliar, who is the brother of the testator, S.R.Sundaram and the 2nd petitioner is the grand son of S.K.Sachidanandham, who is the co-brother of the testator,, S.R.Sundaram. During the life time of the testator, he executed a Will and testament on 04.06.2009 in the presence of witnesses and got registered at the Sub-Register Office, Sowcarpet vide document No.9 of 2009. The petitioners are the sole beneficiaries to the estate of the deceased S.R.Sundaram in the Will dated 04.06.2009. The amount of the assets which are likely to come into the petitioners' hands does not



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exceed the aggregate sum of Rs.99,70,000/- The petitioners undertake to duly administer the property and credits of the deceased S.R.Sundaram 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 P8:

Ex.P1 is the Original Will dated 04.06.2009 executed by S.R.Sundaram.

Ex.P2 is the computer generated death certificate of S.R.Sundaram.

Ex.P3 is the computer generated death certificate of Saroja Sundaram.

Ex.P4 is the photocopy of property tax demand card issued by Corporation of Chennai bearing no.1199189 (Compared with the original).

Ex.P.5 is the photocopy of property tax demand card issued by



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Corporation of Chennai bearing no.521162 (Compared with the original).

Ex.P.6 is the affidavit of assets showing the net value as Rs.99,70,000/-.

Ex.P.7 is the copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 12.05.2022.

Ex.P.8 is the copy of paper publication effected in one issue of English daily 'Trinity Mirror' dated 19.05.2022.

Ex.P.9 is the affidavit of the attesting witness, Mr.R.Venkatesh.

4. Further, one Mr.R.Venkatesh, was examined as PW.2 and marked his affidavit as Ex.P9. He is a family friend of the deceased, S.R.Sundaram and he was present at the time of execution of Ex.P.1, Will by S.R.Sundaram and signed as a first attestor in the aforesaid Will and he was well acquainted with the signature of S.R.Sundaram.

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.

08.08.2022

ssd



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