



O.P.No.722 of 2021

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WEB COURT **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 Testatrix, Mrs.R.Yohambal died on 22.05.2007 and she possessed the schedule mentioned properties within the jurisdiction of this Court. The 1st petitioner is the 2nd son of the testator. The 1st respondent is the daughter of the testator and the respondents 2 and 3 are the daughters of the 1st son, namely, Sureshkumar of the testatrix. The said Sureshkumar died on 25.09.2020 leaving behind his legal heirs, viz., 2nd and 3rd respondents and his wife, Mrs.Meenatchi, pre-deceased him on 16.04.2003. Further, the husband of the testatrix, viz., Ramanathan died on 15.11.2006. During the life time of the testatrix, she executed a Will and testament on 24.01.2006 in the presence of witnesses. The petitioner is the sole beneficiary to the estate of the deceased Mrs.R.Yohambal in the Will dated 24.01.2006. This Court, in order to find out whether the respondents have consented to the grant of letters of administration in favour of the petitioner, directed them to appear in-person before this Court. Accordingly, all the respondents



O.P.No.722 of 2021

appeared in-person and stated that they have no objection for grant of letters of administration in favour of the petitioner and consent affidavits have also been filed by the respondents 1 to 3 and the same are marked as Exs.P.13 to P.15 respectively. The amount of the assets which are likely to come into the petitioner's hands does not exceed the aggregate sum of Rs.31,00,000/- The deceased died intestate and the petitioner undertake to duly administer the property and credits of the deceased R.Yohambal 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 petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and marked the following documents viz., Exs.P1 to P17:

Ex.P1 is the Photocopy of the sale deed dated 21.05.1975.

Ex.P2 is the photocopy of the burial ground report in respect of Meenakshi (Compared with original)

Ex.P3 is the original Will dated 24.01.2006 executed by R.Yohambal



O.P.No.722 of 2021

Ex.P4 is the original death certificate of R.Yohambal

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Ex.P5 is the original legal heirship certificate in respect of R.Yohambal

Ex.P.6 is the original death certificate of V.Ramanathan

Ex.P.7 is the computer generated death certificate of R.Sureshkumar

Ex.P.8 is the photocopy of Aadhar card

Ex.P.9 is the photocopy of the E.B., card standing in the name of R.Gopinath

Ex.P.10 is the photocopy of the Water & Sewerage Tax – Cum Charges Card standing in the name of R.Suresh Kumar

Ex.P.11 is the photocopy of the property tax demand card standing in the name of R.Suresh Kumar

Ex.P.12 is the affidavit of assets showing the net value of the estate as Rs.31,00,000/-.

Ex.P.13 is the consent affidavit given by the 1st respondent

Ex.P.14 is the consent affidavit given by the 2nd respondent

Ex.P.15 consent affidavit given by the 3rd respondent

Ex.P.16 is the copy of Paper Publication effected in one issue of English daily 'Trinity Mirror' dated 14.05.2022.

Ex.P.17 is the copy of paper publication effected in one issue of



O.P.No.722 of 2021

Tamil daily "Makkal Kural" dated 21.05.2022.

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Ex.P.18 is the affidavit of attesting witness, Mr.S.Ramanaiah

4. Further, one Mr.S.Ramanaiah, was examined as PW.2 and marked his affidavit as Ex.P18. He is a third party and he was present at the time of execution of Ex.P3 Will by R.Yohambal and he was well acquainted with the signature of R.Yohambal. Though advertisement was effected in one issue of english and tamil daily, objection has not been received from any of the parties.

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 to the issuance of Letters of Administration.

6. Accordingly, this petition is allowed. Issue Letters of 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 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.



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16.08.2022

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16.08.2022