



O.P.No.664 of 2021

WEB C KRISHNAN RAMASAMY, J.,

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, XXXIX, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Letters of Administration with the Will of the deceased having effect throughout the State of Tamil Nadu.

2.The case of the petitioner is that the petitioner is the wife of the deceased D.Jayapaul, who passed away on 25.06.2019. During his lifetime, the deceased D.Jayapaul executed a Will dated 28.02.1977 and registered as Doc.No.9 of 1977 on 08.03.1977. The respondents are the daughters of the deceased D.Jayapaul and both the respondents are married.

3.Notice served against the 1st respondent and name of the learned counsel for the 1st respondent printed in the cause lists. However, the learned counsel has not appeared and made any objection. The 2nd respondent has given her consent affidavit to grant letters of administration in favour of the petitioner. The Petitioner further states that the amount of assets are likely to come to the



petitioners hand does not exceed in the aggregate sum of Rs.93,60,000/- after deductions. Hence, the petitioner filed the present petition to administer the properties of the deceased D.Jayapaul in any way concerning the Will by paying first his debts and then to legacies therein bequeathed so far as the assets will extend, 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.

4.In order to establish the case of the petitioner, the petitioner was examined as P.W.1 and following documents Viz., Exs.P1 to P8 were marked;

(1) Ex.P1 is the photocopy of the sale deed dated 21.04.1971 executed in favour of D.Jayapaul. (Compared with original)

(2) Ex.P2 is the original Will dated 28.02.1977 executed by D.Jayapaul.

(3) Ex.P3 is the photocopy of the Family card for the period of 2005-2009 in respect of D.Jayapaul. (Compared with original)

(4) Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.93,60,000/-.

(5) Ex.P5 is the consent affidavit given by the 2nd respondent.



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(6) Ex.P6 is the computer generated death certificate of D.Jayapaul.

(7) Ex.P7 is the copy of paper publication effected in Tamil Daily Makal Kural dated 30.03.2022. Despite the same, so far no objection was received by this Court.

(8) Ex.P8 is the copy of paper publication effected in “Trinity Mirror” dated 07.04.2022. Despite the same, so far no objection was received by this Court. Despite the same, so far no objection was received by this Court.

5.Since the attesting witnesses are found dead, Mrs.Harriet Gunaseely, who is the sister-in-law of the deceased D.Jayapaul is examined as P.W.2 and marked evidence Ex.P9, which is her affidavit. In her evidence, she has stated as follows:

“Myself and the 2nd witness were present at the time of execution of the Will by the deceased D.Jayapaul. The deceased D.Jayapaul was my brother-in-law. Only at the request of the deceased D.Jayapaul, Mr.Nithyanandhanam had signed as one of the attesting witness, in the Will of the deceased. I know the signature of the deceased D.Jayapaul.The Will that has shown to me is the Will executed by the deceased D.Jayapaul”.

6.Considering the averments made in the petition and on perusing the



materials available on record, I am 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 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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KRISHNAN RAMASAMY, J.,

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18.08.2022