



O.P.No.716 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, 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 grandnephew of the deceased R.Arunachalam, who passed away on 21.04.2021. During his lifetime, the deceased R.Arunachalam executed an unregistered Will dated 08.03.2021 in the presence of two witnesses viz., B.Ramamoorthy and S.Rajimanickam. The wife of the deceased R.Arunachalam, predeceased him on 11.07.2018 and they have no issues. The deceased R.Arunachalam left his deceased biological brother's children viz., R.Balaji and R.Bhanumathi as his legal heirs. The petitioner is the son of said R.Bhanumathi/ the 2nd respondent herein. The 1st respondent is un-married. Therefore, the petitioner filed the present petition to administer the properties of the deceased R.Arunachalam and also render a true account of the said property



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and credits within one year from the said date. No application has been filed in any other Court for Letters of Administration.

3.In order to establish the case of the petitioner, the petitioner was examined as P.W.1 and following documents Viz., Exs.P.1 to P.11 were marked;

(1) Ex.P1 is the photocopy of the sale deed dated 27.07.1987 executed in favour of R.Arunachalam.

(2) Ex.P2 is the photocopy of the first page of savings bank passbook bearing account No.081210011000608 issued by the Union Bank of India, K.K.Nage Branch, standing in the name of R.Arunachalam.

(3) Ex.P3 is the original Will dated 08.03.2021 executed by R.Arunachalam

(4) Ex.P4 is the photocopy of the first page of savings bank account passbook bearing account No.081210013008483 issued by Union Bank of India, K.K.Nagar Branch, standing in the name of R.Arunachalam.

(5) Ex.P5 is the computer generated death certificate of Arunachalam Ramanathan.



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

(7) Ex.P7 is the photocopy of the Aadhaar card of Arunachalam Ramanathan.

(8) Ex.P8 is the affidavit of assets showing the net value of the estate as Rs.54,95,540/-.

(9) Ex.P9 is the consent affidavit given by the 1st respondent.

(10) Ex.P10 is the consent affidavit given by the 2nd respondent.

(11) The paper publication was effected in Makal Kural dated 12.04.2022 and effected in “Trinity Mirror” dated 04.04.2022. Despite the same, so far no objection was received by this Court.

4. Mr.B.Ramamoorthy, one of the attesting witness to the Will executed by deceased R.Arunachalam is examined as P.W.2 and marked evidence Ex.P.12, which is his affidavit. In his evidence, he has stated as follows:

“Mr.Arunachalam is my wife's uncle. As such I am well acquainted with him. Mr.Arunachalam executed this Ex.P3 Will on 08.03.2021 in my presence. Mr.Arunachalam was in a sound and



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disposing state of mind at the time of execution of Ex.P3 Will. I have signed as first attestor to the Will executed by Mr.Arunachalam. I have filed my affidavit in this regard”

5. 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.

6. 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.

05.08.2022

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