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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 this petition, it is stated that the petitioner's father, R.Chandrasekaran executed a Will during his life time dated 15.03.2014 registered at the Joint Sub Registrar Office, Saidapet, South Chennai as Document No.29 of 2015 dated 10.04.2015. Subsequent to the execution of the said Will, the testator passed away on 16.10.2017 and the wife of the testator also passed away on 26.01.2020. Therefore, the petitioner submitted that the petitioner and the respondent are only the legal heirs to the testator. In this regard, the Legal Heir Certificate also filed and marked as Ex.P12. On perusal of the Legal Heir Certificate, shows that the petitioner and the respondent are only the legal heirs. He further submitted that as per the Will, the sole beneficiary of the Will in favour of the petitioner. He further submitted that the respondent has also given a consent affidavit and marked



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through the P.W.1 as Ex.P13 and paper publication was also effected in “Makkal Kural”. 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 R.Chandrasekaran 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 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 filed the following documents viz., Exs.P1 to P18:

Ex.P1 is the computer generated death certificate of R.Chandrasekaran.

Ex.P2 is the photocopy of the death certificate of C.Uma (Compared with the original).

Ex.P3 is the original letter dated 13.07.2022 issued by Union Bank of India that the original Sale Deed dated 22.11.1996 is deposited with the bank in respect



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of the property mentioned in the Sale Deed dated 22.11.1996 which is marked as Ex.P4.

Ex.P4 is the photocopy of the Sale Deed dated 22.11.1996 executed in favour of Mr.R.Chandrasekaran (The original Sale Deed is in the custody of Union Bank. Counsel for the petitioners insisted for making of the photocopy of this document. Admissibility and evidentiary value of this document will be decided later).

Ex.P5 is the original letter dated 14.07.2022 issued by Indian Bank that the original Sale Deeds dated 02.07.1992 and 15.07.1996 are deposited with the bank in respect of the properties mentioned in the Sale Deeds dated 02.07.1992 and 15.07.1996 which marked as Ex.P6 and Ex.P7.

Ex.P6 is the photocopy of the Sale Deed dated 02.07.1992 executed in favour of R.Chandrasekar (The original Sale Deed is in the custody of Indian Bank. Counsel for the petitioners insisted for marking of the photocopy of this document. Admissibility and evidentiary value of this document will be decided later).

Ex.P7 is the photocopy of the Sale Deed dated 15.07.1996 executed in



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favour of R.Chandrasekaran (The original Sale Deed is in the custody of Indian Bank. Counsel for the petitioners insisted for marking of the photocopy of this document. Admissibility and evidentiary value of this document will be decided later).

Ex.P8 is the photocopy of the Judgment dated 30.04.2001 passed in O.S.No.109 of 1996 by Additional Sub Court, Tanjavur in respect of item No.4 properties (Compared with the certified copy).

Ex.P9 is the original letter dated 13.07.2022 issued by State Bank of India that the original Sale Deed dated 13.06.1963 is deposited with the bank in respect of the property mentioned in the Sale Deed dated 13.06.1963 which is marked as Ex.P10.

Ex.P10 is the photocopy of the Sale Deed dated 13.06.1963 executed in favour of R.Chandrasekar in respect of item No.5 property (The original Sale Deed is in the custody of State Bank of India. Counsel for the petitioner insisted for marking of the photocopy of this document. Admissibility and evidentiary



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value of this document will be decided later).

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Ex.P11 is the photocopy of the Partition Deed dated 26.02.1970 (Compared with the original).

Ex.P12 is the computer generated Legal Heirship certificate of R.Chandrasekaran.

Ex.P13 is the consent affidavit given by the respondent.

Ex.P14 is the original registered Will dated 15.03.2014 executed by Mr.R.Chandrasekaran.

Ex.P15 is the photocopy of my Aadhaar card (Compared with the original).

Ex.P16 is the copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 04.05.2022



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Ex.P17 is the copy of paper publication effected in one issue of Tamil daily

"Makkal Kural" dated 19.05.2022.

Ex.P18 is the affidavit of assets showing the net value of the estate as

Rs.1,54,90,000/-.

4. Further, one Mrs.Seethalakshmi, who is an attesting witness, is examined as PW.2 and marked her affidavit as Ex.P19. She deposed that she subscribed her signature as third attester to Ex.P14 Will which was executed by the deceased R.Chandrasekaran in her presence on his own without any coercion.

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 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/-



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(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.

17.08.2022

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