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WEB CO **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 for grant of Letters of Administration.

2.Heard the learned counsel for the petitioner and none appeared on behalf of the respondents.

3.In the petition, it is stated that the Testator, V.N.Sundaram, died on 14.12.2009 and he possessed the various properties within the jurisdiction of this Court. The wife of the Testator namely Rukmani Ammal had predeceased him on 13.02.1989. The petitioner herein is the daughter of the deceased V.N.Sundaram and the first respondent is the son and the second respondent is an another daughter of the deceased V.N.Sundaram. The respondents 3 to 6 are the grandchildren of the deceased V.N.Sundaram. There are 3 schedules of the property. As far as 3rd schedule of property is concerned, the absolute right was given in favour of the second respondent and with respect to "A" schedule



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property is concerned, the absolute right was given in favour of the petitioner and as far as "B" schedule property is concerned, the life time enjoyment was provided to the petitioner as well as the second respondent/daughter. Thereafter, absolute right over the property was given in favour of the grandchildren viz., the respondents 3 to 6. During the life time of the deceased V.N.Sundaram, he executed his last Will and Testament dated 24.02.2000 in the presence of witnesses and got registered at the Sub-Register Office, Mylapore, vide Document no.25 of 2000. The amount of the assets which are likely to come into the petitioners' hands does not exceed the aggregate sum of Rs.1,00,00,000/-. The petitioner undertake to duly administer the property and credits of the deceased V.N.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 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.

4.The petitioner, who examined herself as P.W.1, reiterated the averments made in the petition and filed the following documents viz.,



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Exs.P1 to P8:

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Ex.P1 is the original Will dated 24.02.2000 executed by V.N.Sundaram, which has been attested by two attesting witnesses namely (i) Mr.R.Sankaranarayanan and (ii) Mr.A.Ameer John.

Ex.P2 is the computer generated death certificate of V.N.Sundaram, who died on 14.12.2009.

Ex.P3 is the photocopy of the death certificate of Rukmani Ammal, who died on 13.02.1989.

Ex.P4 is the photocopy of the Legal Heirship certificate dated 24.02.2010 in respect of the deceased V.N.Sundaram.

Ex.P5(series 2 nos) are the photocopies of the property tax demand cards bearing S.No.659735 and S.No.0466339.

Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.1,00,00,000/-.

Ex.P7 is the copy of Paper Publication effected in one issue of Tamil daily “Makkal Kural” dated 09.10.2020.

Ex.P8 is the copy of Paper Publication effected in one issue of English daily “Trinity Mirror” dated 16.10.2020.

5. Further, one Mr.R.Sankaranarayanan, was examined as PW.2



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and marked his affidavit as Ex.P9. The Testator V.N.Sundaram is his family friend and he was present at the time of execution of Ex.P1 Will by V.N.Sundaram along with A.Ameer John and he was well acquainted with the signature of the Testator V.N.Sundaram.

6.Further, consent was given only by the first respondent and his consent affidavit was marked as Ex.P10, who is one of the beneficiary under the Will.

7.Despite the paper publication also, none has appeared and raised their objections.

8.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.

9.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



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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.

27.07.2022

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