



O.P.No.469 of 2020

KRISHNAN RAMASAMY, J.

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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, 1956, seeking to grant Letters of Administration.

2. The petitioner's mother Manimegalai executed a unregistered Will dated 1st November 2016. Subsequent, to the execution of the Will, testatrix Manimegalai passed away on 23.11.2017. Petitioner and the respondents are the legal heirs of the deceased Manimegalai. The second and third respondents are brother and sister of the petitioner respectively. First respondent is the father of the petitioner and the husband of the Testatrix. Legal heir certificate also produced and marked as Ex.P3. As per Will, the petitioner and the respondents are entitled to share in the property. After filing this Original Petition, the first respondent passed away on 11.04.2021. Memo has also been filed by the petitioner before this Court with regard to the same. The petitioner, second and third respondents are the only Legal heirs of M.Eganathan. Subsequent to service of notice, no one appeared on behalf of the second and third respondents and their names also printed in the cause list. They have also not appeared before the learned Master, for adducing any evidence. The



amount of the assets which are likely to come into the petitioner's hands does not exceed the aggregate sum of Rs.15,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased E.Manimegalai by paying her debts first and then the legacies bequeathed so far as the assets will extend 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 P6:

Ex.P1 is the original Will dated 01.11.2016 executed by Manimegalai.

Ex.P2 is the computer generated death certificate of Manimegalai.

Ex.P3 is the original Legal Heirship Certificate in respect of Manimegalai.

Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.7,50,000/-.



Ex.P5 is the copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 13.01.2022.

Ex.P6 is the copy of paper publication effected in one issue of English daily “Trinity Mirror” dated 20.01.2022. Despite the paper publication also, none has appeared and raised objections.

4. Further, one Mr.M.Palani first attesting witness, was examined as P.W.2 and marked his affidavit as Ex.P7. He stated in his affidavit that he was present at the time of execution of Ex.P1 Will along with one Mr.J.Saravanan, the second attesting witness and they witnessed Mrs.Manimegalai signing in the Ex.P1 Will in a sound and disposing state of mind.

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 Original Petition is allowed. Registry is directed to 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.

01.08.2022

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