

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

MONDAY, THE 28TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.517 of 2017

In the matter of the Indian
Succession Act, XXXIX of 1925

and

In the matter of Last Will and
Testament of C.Ganesan-Deceased

Mrs.S.Sridevi,
D/o.Mr.Sambandan,
No.53/26, Vaidyanathan Street,
Sevenwells, Chennai-600 001

..Petitioner

-Vs-

1. MR.S.SAMBANDAN
S/o.Mr.Swaminathan
No.53/26, Vaidyanathan Street,
Sevenwells, Chennai-600001.

2. MR.S.MAGESH
S/o.Mr.S.Sambandan
No.53/26, Vaidyanathan Street,
Sevenwells, Chennai-600001.

3. M.VIVEKANANTHAN
S/o.Mohan,
No.53/26, Vaidyanathan Street,
Seven Wells,
Chennai-600001.

..Respondents

Original Petition praying that this Hon'ble Court be pleased that Letters of Administration with Will annexed may be granted to her as the niece /beneficiary under the Will of the said deceased having effect through the State of Tamil Nadu.

This Original Petition coming on this day before this court for hearing the court made the following order:

This petition is filed for Letters of Administration.

2 The petitioner is the daughter of deceased C.Ganesan's wife's brother. C.Ganesan has executed a Will dated 07.03.2012, which has been marked as Ex.P1 before the learned Master. Under the said Will, no executor has been appointed and the petitioner is the beneficiary. C.Ganesan, the Testator died on 06.11.2014.

3 The mother and father of the deceased pre-deceased him. The first respondent is brother of deceased's wife, second respondent is son of deceased's wife's brother, third respondent is a servant of the deceased. The first and second respondents have filed consent affidavits before this Court stating their no objection for grant of Letters of Administration in favour of the petitioner.

4 Before the Learned Master, the following documents were marked as Exhibits :

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Will dated 07.03.2012 executed by C.Ganesan
P2	Computer generated death certificate of C.Ganesan disclosing the date of death on 06.11.2014.
P3	Photocopy of the letter dated 24.08.2015 sent to the 1 st respondent S.Sambandan by the Tahsildar, Purasaiwalkkam Taluk.
P4	Affidavit of assets showing the net value of the estate as Rs.10,80,000/-
P5	Consent affidavit filed by the first respondent S.Sambandan
P6	Consent affidavit filed by the second respondent S.Magesh
P7	Copy of paper publication effected in one issue of Tamil Daily “Malai Sudar” dated 11.09.2018
P8	Copy of paper publication effected in one issue of English Daily “News Today” dated 20.09.2018
P9	Affidavit of S.Mallika (P.W.2)

5 The petitioner (PW1) has also deposed before the learned Master reiterating the contents of the petition filed in support of O.P.No.517 of 2017.

6 One of the attesting witnesses to the Will viz., S.Mallika was examined as witnesses (P.W.2) before the learned Master and she supported the contents of the Will executed by the deceased C.Ganesan.

7 An averment has also been made in the petition that a) no application has been made to the District Court or Courts, delegate or to any

High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits and b) No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

8 After perusing and examining the evidence available on record and after hearing the submissions of the learned counsel for the petitioner, this Court is inclined to grant letters of Administration as prayed for in favour of the petitioner in OP No.517 of 2017. Accordingly, this petition is ordered.

9 Registry is directed to issue Letters of Administration in favour of the petitioner having effect limited to the Union of India, she being the beneficiary/legatee under the Will of the deceased. As undertaken by the petitioner, the petitioner is directed to duly administer the properties and credits of the deceased in any way concerning his Will by paying first his debts and then the legacies therein bequeathed, so far as the assets will extend and to make a full and true inventory thereof and exhibit the same in this Court within six months from the date of the grant of Letters of Administration with the Will annexed to the petition. 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. As undertaken by the petitioner, the petitioner is directed to

render this Court a true and correct accounts within one year from the date of grant of Letters of Administration.

Sd/.P.V.J.
28.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/08.03.2022

COURT OFFICER(O.S.)

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