



O.P.No.780 of 2021

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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, seeking for grant of Letters of Administration.

2.In the petition, it is stated that the Testatrix, Mrs.Ammathai, died on 14.07.2013 and she possessed schedule mentioned properties within the jurisdiction of this Court. The first petitioner is the husband of the Testatrix, Mrs.Ammathai and the petitioners 2 to 4 are the children of the Testatrix Mrs.Ammathai. The respondent herein is the daughter of the Testatrix Mrs.Ammathai. The Testatrix Mrs.Ammathai had another son namely A.Murugesan @ Murugan, who died as a bachelor on 19.07.2019. During her life time, she executed a Will and Testament, which was duly executed in October 2009 in the presence of the witnesses and got registered at the Sub-Register Office, Anna Nagar, Chennai vide document No. 21 of 2010. The petitioners and the respondent herein are the sole beneficiaries to the estate of the deceased Ammathai in the Will dated October 2009. This petition is filed for grant of Letters of Administration in respect of the schedule mentioned



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property in favour of the petitioners herein. The amount of the assets which are likely to come into the petitioners' hands does not exceed the aggregate sum of Rs.23,58,400/-. The petitioners undertake to duly administer the property and credits of the Testatrix Mrs.Ammathai 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 them 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 second petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P9:

Ex.P1 is the original registered Will executed in October 2009 by Mrs.Ammathai and registered as Document no.21 of 2010 before the SRO, Anna Nagar.

Ex.P2 is the photocopy of the Sale Deed dated 08.03.1985 executed in favour of Ammathai.

Ex.P3 is the computed generated death certificate of Ammathai.

Ex.P4 is the photocopy of the Legal Heirship certificate in respect



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of Ammathai.

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Ex.P5 is the computer generated death certificate of A.Murugesan.

Ex.P6 is the computer generated property tax receipt dated 17.08.2019.

Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.23,58,400/-.

Ex.P8 is the copy of Paper Publication effected in one issue of English daily “Trinity Mirror” dated 18.04.2022.

Ex.P9 is the copy of Paper Publication effected in one issue of Tamil daily “Makkal Kural” dated 06.05.2022.

4. Further, one Mrs.K.Sridevi, was examined as PW.2 and marked her affidavit as Ex.P10. She is the third party and she was present at the time of execution of Ex.P1 Will by S.Raja along with M.Chinnappan and she was well acquainted with the signature of Ammathai, who is her mother-in-law.

5.Further, one Mrs.Kannagi, the respondent herein was examined as RW.1 and marked her consent affidavit as Ex.R1, stating that she has no objection for grant of Letters of Administration in respect of Ex.P1



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Will in favour of the petitioners.

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

7.Considering the averments made in the petition and on perusing the materials available on record, this Court is satisfied that the petitioners are entitled to the issuance of Letters of Administration.

8.Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

14.07.2022

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