



O.P.No.153 of 2021

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WEB C **KRISHNAN RAMASAMY.J.**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 5 of the High Court Original Side Rules, 1956, seeking to grant Letters of Administration.

2. In the petition, it is stated that the petitioners' grandfather namely Raji who died on 09.10.2008 at No.4/5, Jeevarathinam Salai, Royapuram, Chennai – 600 013, executed his last Will and testament dated 10.11.1978 registered as Document No.167 of 1978 in the office of the Sub Registrar, Royapuram. As per the Will, the deceased Raji bequeathed his entire schedule mentioned property in favour of his four grandsons and out of which, one grandson namely Anbalakan died on 04.06.1988 as bachelor. Therefore, the petitioners herein, are the sole beneficiaries in the Will. Petitioners' father - Vijayarathinam, was the only son of the deceased Raji and he predeceased the testator – Raji and his four sons. The respondent is the mother of the petitioners and she has no objection for the same. The amount of the assets which are likely to come into the petitioners' hands does not exceed the aggregate sum of Rs.10,72,000/-. The petitioners undertake to duly administer the property and credits of the deceased Raji



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by paying his debts first and then the legacies bequeathed in, 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. In order to prove their case, the third petitioner, examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P8:

Ex.P1 is the photocopy of the sale deed of late Raji dated 19.06.1968.

Ex.P2 is the original Will executed by Raji in favour of the petitioners dated 10.11.1978.

Ex.P3 is the original Patta of the schedule property dated 06.01.1989.

Ex.P4 is the photocopy of the death certificate of Anbalagan issue dated 30.11.2017.

Ex.P5 is the photocopy of the death certificate of Vijayarathinam issue dated 04.09.2012.



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Ex.P6 is the photocopy of the death certificate of Raji issue dated 29.11.2017.

Ex.P7 is the photocopy of the legal heir certificate of Vijayarathinam issue dated 11.09.2018.

Ex.P8 is the original Corporation Tax Certificate in the name of Raji dated 10.03.2008.

4. Further, one Mr.P.Vijayakumar, third party witness, was examined as P.W.2 and marked his affidavit as Ex.P9. He stated in his affidavit that he knew Mr.Raji as a friend and he is well acquainted with his signature and the signatures found in Ex.P2 Will are that of Mr.K.Raji. He further states that he was present along with the witnesses on the date of execution of the Ex.P2 Will by Raji but he does not remember the signatures of the attestors.

5. In the light of the averments made in the petition and the deposition of P.W.1 and P.W.2 supported by documents Exs.P1 to P9, it is clear that the petitioners have proved the Will and there is no contra

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evidence. Hence, this Court is satisfied that the petitioners are entitled to the issuance of Letters of Administration.

6. Accordingly, this Original 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.

11.08.2022

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