



O.P.No.627 of 2019

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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 the grant of Letters of Administration.

2. In the petition, it is stated that the petitioner's grand-mother executed a registered Will dated 15.12.2008 as Document No.50/2008 at the Sub-Registrar Office, Triplicane. Subsequent to the execution of Will, the grand-mother/testatrix passed away on 30.07.2014. The only son of testatrix Mr.Gunasekaran predeceased her on 29.09.2000. The testatrix has two legal heirs namely, the first respondent and the father of the petitioner. Therefore, the learned counsel submitted that except the petitioner and the first respondent, no other persons have any interest in the property to claim as the legal heirs of the deceased testatrix and as per the Will, the entire property has been settled in favour of the petitioner who is none other than the grand-son of the testatrix.

3. The first respondent is the daughter of the testatrix and the second



respondent is the daughter-in-law of the testatrix. The first respondent already given no objection to the grant of Letter of Administration in favour of the petitioner. As far as the second respondent is concerned, she has deposed that she has no objection for the grant of Letters of Administration in favour of his son G.Karthikeyan who is the petitioner herein. The petitioner undertakes to duly administer the property and credits of the deceased Tmt.R.Vanaja 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 himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P10:

Ex.P1 is the photocopy of the Sale Deed dated 27.04.1977 executed in favour of R.Vanaja (Compared with the original).

Ex.P2 is the original registered Will dated 15.12.2008 executed by Mrs.R.Vanaja.

Ex.P3 is the computer generated death certificate of Gunasekaran.



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Ex.P4 is the computer generated death certificate of T.G.Rajan.

Ex.P5 is the computer generated death certificate of R.Vanaja.

Ex.P6 is the photocopy of the Legal Heirship certificate of Gunasekaran
(Compared with the original).

Ex.P7 is the photocopy of the Legal Heirship certificate of R.Vanaja
(Compared with the original).

Ex.P8 is the affidavit of assets showing the net value of the estate as
Rs.14,59,260/-.

Ex.P9 is the consent affidavit given by the first respondent.

Ex.P10 (series 2 Nos.) are the copies of paper publication effected in one
issue of Tamil daily "Makkal Kural" dated 16.02.2021 and one issue of English
daily "Trinity Mirror" dated 23.02.2021.

5. Further, one Mrs.Savithri, who is an attesting witness, is examined as
PW.2 and marked her affidavit as Ex.P11. She deposed that she subscribed her
signature at the foot of the testamentary paper in English language to Ex.P2 Will
which was executed by the deceased R.Vanaja in her presence on her own without
any coercion and one Nirmala/second respondent was examined as R.W.1 and no



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document was marked through her.

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6. 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.

7. 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 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.

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12.08.2022



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