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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 grant of Letters of Administration.

2. In this petition, it is stated that the petitioner is the testator's younger brother's son. The first respondent is the mother of the petitioner. The respondents 2 and 3 are the brother and sister of the petitioner. The fourth respondent is the sister of the testator and respondents 5 and 6 are the son and daughter of another sister of the testator. Except these persons, according to the petitioner, no other persons shall have interest over the schedule mentioned property.

3. The learned counsel appearing for the petitioner submitted that as per the Will, the petitioner is the sole beneficiary and he is the Universal Legatee under the said Will dated 06.10.1994. The testator namely Settipalle Venkatramana Reddy executed a Will dated 06.10.1994 registered as Document No.244/1994 on the file of the Sub-Registrar's Office, Madanapalle Town, Chittoor District Andra



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Pradesh. Subsequent to the execution of the Will, the testator passed away on 10.04.1995. He further submitted that the petitioner is not aware of the property situated at Chennai and he came to know about the same only in the month of March 2016, when a third party Mrs.K.Anusuya had approached the petitioner for execution of ratification deeds of certain properties at Palani/Ganga Street, Rajaji Nagar, Villivakkam, Chennai-600 049, that were owned by the testator at Chennai and allegedly sold by the testator's brother, i.e., the petitioner's father, without the knowledge of the petitioner. Thereafter, he filed the present petition in the year April 2017 for the purpose of probate. The petitioner's father sold the testator's property when the petitioner was minor. Mrs.K.Anusuya approached the petitioner for ratification of the sale deed since the sale was made when the petitioner was minor. The present Will of the testator was executed in favour of the petitioner. Hence, the present petition has been filed. The service was effected on the Respondents 1, 4, 5 & 6 and their names were also printed in the cause list. But no one has appeared on behalf of them even today. Today, respondents 2 and 3 appeared before this Court and gave consent in favour of the petitioner for grant of Letters of Administration. Paper publication was also effected in "Makkal Kural" and "Trinity Mirror". Subsequent to the publications, no one appeared and



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raised any objection for grant of Letters of Administration in favour of the petitioner in respect of petition schedule mentioned property. The petitioner undertakes to duly administer the property and credits of the deceased Settippalle Venkatramana Reddy 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 P9:

Ex.P1 is the photocopy of the death certificate of S.Venkatarama Reddy (Original is not produced. Counsel for the petitioner insisted for marking of the photocopy of this document. Admissibility and evidentiary value of this document will be decided later).

Ex.P2 is the certified copy of the Will dated 06.10.1994 executed by Venkarama Reddy.

Ex.P3 is the certified copy of the Judgment and Decree in O.S.No.60 of



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1997 passed by Senior Civil Judge, Madanapallee dated 18.08.2003.

WEB COPY Ex.P4 is the Genealogy tree.

Ex.P5 is the original notice dated 30.07.2016 sent to Mrs.K.Anusuya with acknowledgment card.

Ex.P6 is the original reply notice dated 13.08.2016 for Ex.P5.

Ex.P7 is the affidavit of assets showing the net value of the estate as Rs.1,92,35,700/-.

Ex.P8 is the copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 17.03.2022.

Ex.P9 is the copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 27.03.2022.

5. Further, one Mr.S.Kittanna, who is an attesting witness, is examined as PW.2 and no documents were marked through him. He was present at the time of execution of Ex.P2, Will by Settipalle Venkataramana Reddy along with B.Sadasdrareddy and B.Sivareddy and he was well acquainted with the signature of Settipalle Venkataramana Reddy.



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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 grant 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.

26.08.2022

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