



O.P.No.629 of 2019

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KRISHNAN RAMASAMY, J.,

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, XXXIX, 1925 read with Order XXV, Rule 5 of O.S. Rules, for the grant of Letters of Administration with the Will of the deceased having effect throughout the State of Tamil Nadu.

2.The case of the petitioner is that the petitioner's husband is the foster son of the deceased Chellammal, who passed away on 04.07.2008 and her husband Narayanaswamy died on 26.07.2004 and they had no issues. During her lifetime, the deceased Chellammal wife of Narayanaswamy, executed a Will dated 24.11.2003 in favour of the 1st petitioner's husband and 2nd petitioner's father Ponnuvel, who is the foster son and beneficiary under the Will which was registered as Doc.No.138 of 2003. No executor was appointed under the Will. Mr.Ponnuvel, the foster son and the beneficiary under the Will of the deceased was expired on 03.05.2016. The petitioners are the only legal heirs of said Ponnuvel and therefore, the Petitioners are entitled for the schedule mentioned properties. Hence, the petitioner filed the present petition to administer the properties of the



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deceased Chellammal in any way concerning the Will by paying first his debts and then to legacies therein bequeathed so far as the assets will extend, 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 establish the case of the petitioner, the 1st petitioner was examined as P.W.1 and following documents Viz., Exs.P1 to P14 were marked;

(1) Ex.P1 is the photocopy of the sale deed dated 17.06.1958 (Marked after comparing and verifying with the original. Counsel for the petitioners is not inclined to mark the original document as exhibit. Admissibility and evidentiary value of this document will be decided later).

(2) Ex.P2 is the photocopy of the settlement deed dated 27.09.1974 (Marked after comparing and verifying with the original. Counsel for the petitioners is not inclined to mark the original document as exhibit. Admissibility and evidentiary value of this document will be decided later).

(3) Ex.P3 is the original Will dated 24.11.2003 executed by Mrs.Chellammal, which has been attested by two attesting witnesses namely, G.Narayanaswamy and D.Kumar.



(4) Ex.P4 is the photocopy of the death certificate of G.Narayanaswamy, who died on 26.07.2004 along with the original burial ground report dated 26.07.2007 (Original of the death certificate is not produced. Counsel for the petitioners insisted for marking of the photocopy of this document. Admissibility and evidentiary value of this document will be decided later).

(5) Ex.P5 is the original death certificate of N.Chellamal, who died on 04.07.2008.

(6) Ex.P6 is the computer generated death certificate of Ponnuvel, who died on 03.05.2016.

(7) Ex.P7 is the original certified copy of the legal heirship certificate dated --.09.2016 in respect of Ponnuvel (Original is not produced. Counsel for the petitioners insisted for marking of the certified copy of this document. Admissibility and evidentiary value of this document will be decided later).

(8) Ex.P8 is the original certified copy of the order dated 05.12.2018 passed in O.P.No.636 of 2018 by the Hon'ble High Court, Madras.

(9) Ex.P9 is the photocopy of the Voter Identity Card of bearing No.FBC6136659 (Marked after comparing and verifying with the original).

(10) Ex.P10 is the photocopy of the Voter Identity Card of Ponnuvel



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bearing No.TN/10/005/0195715 (Marked after comparing and verifying with the original).

(11) Ex.P11 is the photocopy of the Family Card for the period 2005-2009 bearing No.01/G/0758991 (Marked after comparing and verifying with the original).

(12) Ex.P12 is the affidavit of assets showing the net value of the estate as Rs.15,00,000/-.

(13) Ex.P13 is the copy of paper publication effected in one issue of English daily “Virtual Times” dated 26.12.2019. Despite the same, so far no objection was received by this Court.

(13) Ex.P14 is the copy of paper publication effected in one issue of Tamil daily “Dina Boomi” dated 03.01.2020. Despite the same, so far no objection was received by this Court.

4.Mrs.Uma, who is the third party witness examined as P.W.2 she has stated as follows:

“I knew this Ex.P3 Will executed by Mrs.Chellammal on 24.11.2003 in favour of her son Mr.S.Ponnuvelu. Mr.G.Narayanaswamy is my maternal uncle. I am identifying



the signature found in attesting witness column No.1 is that of Mr.G.Narayanaswamy".

5. Considering the averments made in the petition and on perusing the materials available on record, I am satisfied that the petitioner is entitled to the issuance of Letters of Administration.

6.Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The 1st 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.

10.08.2022

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