



O.P.No.1013 of 2019

KRISHNAN RAMASAMY, J.,

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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 is the foster son of deceased S.Palani. During his lifetime, the deceased S.Palani executed a Will dated 06.12.2012. The wife of deceased S.Palani died on 14.03.2018 and S.Palani passed away on 22.05.2013 without any issues leaving behind his sisters and brother as Class II legal heirs viz., (i) Lakshmi, who predeceased him leaving behind respondents 1 and 3 as her legal heirs; (ii) Kuppa Bai and her husband predeceased him and they did not have any issues; (iii) T.Kasturi and (iv) S.Arumugam. The petitioner, who is the son of the 4th respondent is the beneficiary of the Will dated 06.12.2012. Therefore, the petitioner filed the present petition to administer the properties of the deceased S.Palani 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.

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3. In order to establish the case of the petitioner, the petitioner was examined as P.W.1 and following documents Viz., Exs.P.1 to P.12 were marked;

(1) Ex.P1 is the photocopy of the Sale Deed dated 17.02.1988 (Compared with the original).

(2) Ex.P2 is the original Will dated 06.12.2012 executed by S.Palani.

(3) Ex.P3 is the computer generated death certificate of S.Palani.

(4) Ex.P4 is the computer generated death certificate of P.Jothi.

(5) Ex.P5 is the photocopy of petitioner's Aadhar card (Compared with original).

(6) Ex.P6 is the affidavit of assets showing the net value of the estate as Rs.21,29,200/-.

(7) Ex.P7 is the consent affidavit given by the 1st respondent.

(8) Ex.P8 is the consent affidavit given by the 2nd respondent.

(9) Ex.P9 is the consent affidavit given by the 3rd respondent.

(10) Ex.P10 is the consent affidavit given by the 4th respondent.



(11) Ex.P11 is a copy of paper publication effected in one issue of English daily "Trinity Mirror" dated 19.03.2022. Despite the same, so far no objection was received by this Court.

(12) Ex.P12 is the copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 29.03.2022. Despite the same, so far no objection was received by this Court.

4. One of the attestors of the Will dated 06.12.2012, viz., Mr.T.Suresh Kumar is examined as P.W.2 and marked evidence Ex.P13, which is his affidavit. In his evidence, he has stated that the Testator executed his last Will on 06.12.2012 in his presence and also in the presence of one Mr.V.Palani and both of them have attested the Will and that the Testators were in sound and disposing state of mind, memory and understanding at the time of executing the Will.

5. As far as the respondents are concerned, though they have already given consent for grant of letters of administration in favour of the petitioner, they have not entered appearance either in person or through counsel.



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6. 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.

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.

12.07.2022

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