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WEB COPY **N.SATHISH KUMAR, J.**

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

2. The petitioner is a Mutt known as “Shri Ramakrishna Math”. The petitioner mutt has come forward with this original petition for grant of Letters Administration in respect of the Will of one D.Kesavan executed on 21.09.2017. The testator died on 31.05.2021 and he was permanent resident of Seven Wells in Chennai.

3. It is the case of the petitioner mutt that the testator's wife- D.Parameshwari had predeceased him on 05.05.2010 and they had no issues from the marriage.. The father and mother of the testator had also predeceased him on 20.10.1979 and 02.09.1997 respectively. The respondent is the sister of the testator. According to the petitioner mutt, there are no persons interested to be impleaded. The testator bequeathed his property more fully described in the petition schedule in favour of the petitioner mutt by way of Will while he was in sound state of mind. The



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testator by the very same Will had also bequeathed all his immovable properties. The Will is a registered one. The Will dated 21.09.2017 has come into effect after the death of the testator on 31.05.2021. Hence, this petition.

4. Mr.K.Chandrasekaran, learned counsel appearing for the respondent Advocate, who has been present in court, on instructions, submitted that the respondent will have no objection for being granted letters of administration in favour of the petitioner as prayed for.

5. The petitioner mutt undertakes to duly administer the specified property and credits of the deceased in any way concerning his Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

6. Mr.Swami Dharmishthananda, Manager of the petitioner mutt examined himself as P.W.1 and marked Ex.P.1 to P.22. Ex.P1 is the



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original Will executed by the testator D. Kesavan dated 21.09.2017. Ex.P2

is the computer generated copy of the death certificate of testator dated 31.05.2021. Ex.P3 is the photocopy of the fixed deposit - FD 36/3780 - The Madras Purasawalkam Hindu Janopakara Saswatha Nidhi dated 12.03.2019 for Rs.67,000/-. Ex.P4 is the photocopy of the Recurring Deposit vide Account RED24185887-P Book held in the name of the testator. The said account was opened on 13.08.2019 and matured on 13.08.2021. The maturity amount Rs.1,30,500/- Ex.P.5 is the photocopy of the reinvestment deposit in deposit receipt No. R10065556 30.08.2019 for Rs.45,000/- issued by The Mylapore Hindu Permanent Fund Ltd, Mylapore, Chennai. Ex.P6 is the photocopy of the pensioner fixed deposit No. PFD 025229- The Mylapore Hindu Permanent Fund Ltd dated 13.03.2020 for Rs.75,900/- Ex.P7 is the photocopy of the Fixed deposit-FD3679261-The counsel for defendant present. 36/30352 The Madras Purasawalkam Hindu Janopakara Saswatha Nidhi dated 12.08.2020 for Rs.91,000/-. Ex.P8 is the photocopy of the FD - Sugam deposit A/c No.252400PU00021362 Panjab National Bank dated 13.08.2020 for Rs.2,14,899/-. Ex.P9 is the photocopy of the Reinvestment Deposit receipt No. 0297847 -2014/NDRT- Indian Overseas



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Bank dated 05.10.2020 for Rs.1,50,000/-. Ex.P10 is the photocopy of the

Fixed / Cash Certificate Deposit receipt - The counsel for defendant present.

36/30456 The Madras Purasawalkam Hindu Janopakara Saswatha Nidhi

dated 12.10.2020 for Rs.1,61,745/-. Ex.P11 is the photocopy of the re-

investment deposit receipt no. 204158455 27.10.2020 - The Purasawalkam

Permanent Fund Nidhi Ltd dated 27.10.2020 for Rs.1,00,000/-.Ex.P12 is the

photocopy of the Re-investment deposit receipt no. 204158508 - The

Purasawalkam Permanent Fund Nidhi Ltd dated 10.11.2020 for

Rs.1,23,000/-. Ex.P13 is the photocopy of the re-investment deposit receipt

No.204158655- The Purasawalkam Permanent Fund Nidhi Ltd dated

21.12.2020 for Rs.24,000/-. Ex.P14 is the photocopy of the reinvestment

deposit in deposit receipt No. R10069914 - The Mylapore Hindu Permanent

Fund Ltd dated 07.01.2021 for Rs.93,000/-. Ex.P15 is the photocopy of the

Bhagyalakshmi Re-investment deposit receipt No. BD 24/11037 - The

Purasawalkam Permanent Fund Nidhi Ltd dated 21.01.2021 for

Rs.1,23,000/-. Ex.P16 is the photocopy of the Bhagyalakshmi Re-

investment deposit receipt No. BD 24/11068 - The Purasawalkam

Permanent Fund Nidhi Ltd dated 11.02.2021 for Rs.51,000/-. Ex.P17 is the



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photocopy of the FD Receipt No. FM24/26213 The Purasawalkam Dhana Vardhana Saswatha Nidhi Ltd dated 06.03.2021 for Rs.1,56,000/- . Ex.P18 is the photocopy of the FD- Receipt No. FM24/26253 - The Purasawalkam Dhana Vardhana Saswatha Nidhi Ltd dated 15.03.2021 for Rs.91,000/- . Ex.P19 is the photocopy of the FD-Quarterly-FDQ/41110571/1-The George Town Co-Operative Bank Ltd No.8512 dated 19.03.2021 for Rs.1,33,000/- . Ex.P20 is the photocopy of the FD- Receipt No. 2000000382/1-The Vellala Co-Operative Bank Ltd dated 25.03.2021 for Rs.1,20,000/- . Ex.P21 is the photocopy of the FD- Receipt No-FM24/26369 - The Purasawakam Dhana Vardhana Saswatha Nidhi Ltd dated 12.04.2021 for 1,50,000/- . Ex.P22 is the photocopy of the Punjab National Bank Mint Rd SB A/c 2524008100150312 in the name of the testator.

7. P.W.1 in his evidence has narrated the averments made in the petition stating that the mutt has filed this petition for grant of Letters of Administration in favour of the petitioner mutt in respect of the Last Will and Testament executed by the deceased testator on 21.09.2017. Ex.P.1 is the original Will which is a registered one. Ex.P.2-Death Certificate has been filed to prove the death of the testator. Ex.P.3 to Ex.P.22 are



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photocopies of Fixed Deposit Receipt for the amount invested by the testator on various dates with The Madras Purasawalkam Hindu Janopakara Saswatha Nidhi. The respondent had not cross examined P.W.1. It could be seen from the records that it was presented by the respondent's counsel on 28.11.2023 before court that he had no cross examination and no oral evidence to let in on behalf of the respondent.

8. One Mr.R.Prabakaran, who was one of the attesting witness to the Will was examined as P.W.2. In his evidence, he has stated that the testator was in sound state of mind while executing the Will and he had seen the testator signing the Will and also the other attesting witness subscribing in the document. He has also stated that the testator had seen himself and the other attesting witness having subscribed on the Will. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

9. Considering the oral and documentary evidence, this court is of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner mutt is entitled for the issuance of Letters of Administration in his favour.



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Accordingly, this petition is allowed. Issue Letters of Administration

in favour of the petitioner mutt. 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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