



O.P.No.939 of 2019

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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 in favour of the petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Padma Venkataraman executed on 30.04.2017 bequeathing the schedule properties in favour of the petitioner and the respondents 1 to 5. The petitioner and the respondents are the Class-II legal heirs of the deceased husband. The deceased had no issues, died on 17.02.2019, her husband namely Mr.N.Venkataraman pre-deceased her on 08.12.1992. The respondents 1 to 11, 13 and 17 to 21 have filed their consent affidavit before this Court. The respondents 12, 14, 15, 16 served, despite service of notice, they did not contest the matter. It is the case of the petitioner that the deceased husband predeceased her on 08.12.1992. The



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deceased husband's sister namely the 6th respondent and other siblings were all predeceased, namely Rajammal, Savithri, Balachandran and Ambulu.

The respondents are the legal heirs of the deceased husband's sisters, except, the 6th respondent, who is one of the sister of the deceased husband. The amount of assets which is likely to come to the petitioner's hand do not exceed in the aggregate sum of Rs.50,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law to deduct is only of the value of Rs.49,80,000/-. The petitioner hereby undertake 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 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.

3. The petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the



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petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased Padma Venkatraman on 30.04.2017. The Will executed by the deceased Padma Venkatraman has been marked as Ex.P.3. The deceased S.P.Dharmaraj has executed the Will on 30.04.2017. Ex.P.1 is the original death certificate of Mr.N.Venkatraman. Ex.P1 has been filed to prove that the husband of the deceased, predeceased her. Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.49,80,000/-. Exs.P.5 & P.6 are the paper publications, but none have objected for the same. Ex.P.7 is the copy of sale deed to show that the deceased has a flat in the apartment.

4. Considering the nature of the evidences and consent affidavit filed by the respondents 1 to 11 and 17 to 21 and other respondents remained ex-parte, this Court is of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in his favour.



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5. 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.

13.12.2023

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