



O.P. No.398 of 2022

WEB COPY **A.A. NAKKIRAN, J.**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration with the Will annexed of the properties and credits of the deceased to the petitioner as the life interest legatees / son of the deceased late M.Chandran, having effect limited to the State of Tamil Nadu.

2.This petition has been filed for grant of Letters Administration in respect of the Will of one M.Chandran executed on 05.08.2004 at Chennai and registered as Document No.79/2004 in the FRO at Virugambakkam, while in sound and good state of mind. The respondents are the sons of the deceased M.Chandran who died on 10.11.2007, leaving behind him the petitioners and the respondents as his legal heirs and the petitioners are the grand children of the deceased M.Chandran. The deceased possessed of and left the properties within the jurisdictions of this Court. The wife, father and mother of the deceased Mr.Chandran already predeceased. The writing



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hereinto annexed now shown to the petitioners and marked with letter "A" is the last Will and testament of the said deceased M.Chandran and was duly executed by him Chennai on 05.08.2004, in the presence of the witnesses whose names appear at the foot thereof. In the said Will, the testator late.M.Chandran had categorically stated that he had bequeathed the schedule mentioned property in favour of the grand sons and grand daughters namely, the petitioners herein. The petitioners have impleaded all the next of kin or other persons interested as party respondents. There is no next of kin or other persons interested to the pleaded. The petitioners are the legal heirs and legatees of the deceased who had executed the Will and the petitioners are entitled for Letters of Administration in terms of the said Will executed by late M.Chandran. The amount of assets which are likely to come into the hands of the petitioners does not exceed an aggregate the sum of Rs.32,16,000/- and the net amount of the said assets, after deducting all the terms which the petitioners are by law allowed to deduct as the value of Rs.10,000/-. The next value of the assets would be Rs.32,06,000/-.



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3.The petitioners 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 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. The last Will of M.Chandran dated 05.08.2004 has been recently traced out and hence, there is a delay in filing the above petition and the delay is neither wilful not wanton. There is no application has been made to any District Court or delegate or to any other High Court for probate of any Will of the said deceased for Letters of Administration with or without the Will annexed of his property and credits. There is no executor appointed in the abovesaid Will and as one of the legatee, the petitioners have filed this petition for Letters of Administration.



4.Mr.C.Ravi, the 3rd Respondent has been examined as P.W.1.

P.W.1 has filed his proof affidavit and in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in favour of the petitioners in respect of the Last Will and Testament executed by the deceased M.Chandran on 05.08.2004. Ex.P.1 is the computer generated death certificate of Mr.M.Chandran. Ex.P.2 is the photocopy of the legalheirship certificate of M.Chandran. Ex.P.3 is the original Will dated 05.08.2004 executed by M.Chandran. Ex.P.4 is the photocopy of the Sale Deed dated 04.09.1991 in favour of M.Chandran. Ex.P.5 is the affidavit of assets showing the net value the estate as Rs.32,06,000/-. Ex.P.6 is the copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 25.02.2023. Ex.P.7 is the copy of paer publication effected in one issue of English Daily "Trinity Mirror" dated 04.03.2023. Ex.P.8 is the consent affidavit given by all the respondents jointly herein.



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5. One Mr. V. Ponnurangam, who is one of the attesting witness in 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 has also seen the testator signing the Will and the other attesting witness signing in the document. The deceased M. Chandran is the maternal uncle of PW2. The deceased M. Chandran executed his Last Will Ex.P.3 and Testament on 05.08.2004 in his presence and in the presence of Mr. P. Thanikachalam. At his request, he subscribed his signature as the 1st attesting witness along with Mr. P. Thanikachalam who attested the Will as the second attesting witness in the presence of us. PW2 was one of the identifying witness at the time of registration of Ex.P.3 Will in the Sub Registrar office at Virugambakkam.

6. Mrs. Jothi Lakshmi, the 1st petitioner has been examined as P.W.3. P.W.3 has filed her proof affidavit and in her evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration with the Will annexed of the properties and credits of the deceased to the petitioner as legatees and grand



children of the deceased M.Chandran.

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7.In view of the above facts, I am of the view that the petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.

8.Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

08.02.2024



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A.A. NAKKIRAN, J.

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