

O.P.No.425 of 2014**R.SUBBIAH, J**

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of the High Court Original Side Rules, seeking the grant of Letters of Administration.

2. Heard the learned counsel appearing for the petitioner.

3. In the petition, it is stated that Testator Mr.A.Paramanandam died on 04.02.2013 and he was ordinarily residing at No.158/78, Beracah Road, Kellys, Chennai – 10. The petitioner is the elder son of the deceased. The father of the deceased predeceased him and the mother of the deceased also died on 04.07.2013. The deceased executed his last Will and Testament dated 27.03.1998, which was registered as Document No.33 of 1998 in the office of the Sub Registrar, Purasawalkam, Chennai. The petitioner is the beneficiary of Schedule A property of the said Will and the Testator sold the properties in Schedule B of the Will during his life time. The petitioner is the elder son of the deceased, first respondent is the wife of the deceased and respondents 2 and 3 are the son and daughter of the

deceased respectively. By the said Will, no executor had been appointed. The amount of assets which are likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.43,00,000/- and the net amount of the said assets, after deducting all items which the petitioner is by law allowed to deduct is only of the value of Rs.43,00,000/-. The petitioner undertakes to duly administer the property and credits of the deceased Mr.A.Paramanandam and in any way concerning his Will by paying first his debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof and exhibit the same to the Court within six months from the date of grant of Letter of Administration to the petitioner. No application has been filed in any other Court for the probate of the Will of the said deceased or Letters of Administration with or without the Will annexed to his property. Hence, the petition.

4.The petitioner, who examined himself as P.W.1, reiterated the averments made in the petition and filed the following documents viz., Exs.P1 to P11;

Ex.P1 is the computer generated death certificate of the petitioner's father A.Paramanandam, who died on 04.02.2013.

Ex.P2 is the original registered last Will and Testament dated 27.03.1998 executed by the petitioner's father A.Paramanandam, registered as Document No.33/1998 before the SRO, Purasawalkam.

Ex.P3 is the certified copy of the sale deed dated 12.02.1987 executed by Chunilal Maher and others in favour of the petitioner's father A.Paramanandam in respect of the property mentioned as A schedule in the Will.

Ex.P4 is the original legalheirship certificate dated 31.05.2013 in respect of the deceased A.Paramanandam.

Ex.P5 is the computer generated death certificate of A.S.Parvathi Ammal, mother of the deceased, who died on 04.07.2013.

Ex.P6 is the consent affidavit given by the first respondent.

Ex.P7 is the consent affidavit given by the second respondent.

Ex.P8 is the consent affidavit given by the third respondent.

Ex.P9 is the affidavit of assets showing the net value of the property as Rs.43,00,000/-.

Ex.P10 is the copy of the paper publication effected in one issue of English Daily News Today dated 29.11.2014.

Ex.P11 is the copy of the paper publication effected in one issue

of Tamil Daily Malai Sudar dated 06.12.2014.

5. One of the attestors of the Will dated 27.03.1998 was examined as P.W.2. In his evidence, P.W.2 has stated that the testator executed his last Will and Testament on 27.03.1998 in his presence and in the presence of one M.G.Ramanathan. At his request, P.W.2 subscribed his signature as second attesting witness along with M.G.Ramanathan, who attested the Will as the first attesting witness in the presence of the testator. While executing the Will, the testator was in a sound and disposing state of mind, memory, understanding and in good health. Ex.P.12 is his affidavit in this regard.

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 ordered. 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.

17.02.2015

mmi

R.SUBBIAH, J

mmi

O.P.No.425 of 2014

17.02.2015