



RMT.TEEKAA RAMAN,J.

This original petition has been filed taking advantage of Sections 232, 255 and 276 of the Indian Succession Act XXXIX of 1925 along with relevant rules of the Original Side of Madras High Court seeking grant of Letters of Administration with certified copy of the Will annexed of R.Kanniammal, who had died on 08.04.2003. The petitioner is the beneficiary in the Will.

2. The above said late R.Kanniammal wife of late L.Ramaiah Devar is the mother of the petitioner herein and the respondents 4 and 5 and grandmother of respondents 1 to 3 and 7 to 10 and the mother-in-law of the sixth respondent. The said Kanniammal had three sons and two daughters. One of her son R.Mohan predeceased her and died on 21.02.2001. The sixth respondent is his wife and 7 to 10 respondents are the children of Late Shri.R.Mohan. The another legatee R.Balan died on 04.12.2022 who is the petitioner in O.P.No.841 of 2012.

3. The above late Smt.R.Kanniammal had purchased the property at No.125, New No.20, Panchali Amman Kovil street, Arumbakkam, Madras - 600 106 from one Vijayalakshmi Ammal and S.Ananda Reddiyar under deed of sale dated 17.02.1965 registered as document No.431 of 1965 in the office of the Sub Registrar, Saidapet and constructed a house and had been in



possession and enjoyment as the absolute owner of the property.

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4. The petitioner is the one of the sons and one of the beneficiary of the last Will and testament executed by his mother late R.Kanniammal on 10.10.2001. The Will was registered on 10.10.2001 in the office of the Sub-Registrar, Kodambakkam as document No.151/2001.

5. The amount of the assets which are likely to come into the hands of the petitioner does not exceed Rs.25,00,000/- (Rupees Twenty Five Lakhs only) and the net amount of the said assets after deducting all items which the petitioner is by law allowed to deduct is of the value of Rs.25,00,000/-

6. The petitioner was examined as P.W.1 and Exs.P1 to P16 were marked and the following documents were marked through P.W.1. are as follows:-

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Documents</i>
1.	Ex.P1	The certified copy of the registered Will and Testament dated 10.10.2001 executed by Mrs.R.Kanniammal obtained from this Court which was filed in O.P.No.841 of 2012.
2.	Ex.P2	The certified copy of the death certificate of Mr.L.Ramaiah obtained from this Court which was filed in O.P.No.841 of 2012.
3.	Ex.P3	The certified copy of the death certificate of Mr.R.Mohan obtained from this Court which was filed in O.P.No.841 of 2012
4.	Ex.P4	The certified copy of the death certificate of Mrs.R.Kanniammal obtained from this Court which was filed in O.P.No.841 of 2012.
5.	Ex.P5	The certified copy of the legal heir certificate of Mr.R.Mohan obtained from this Court which was filed in O.P.No.841 of 2012
6.	Ex.P6	The certified copy of the legal heir certificate of Mrs.R.Kanniammal obtained from this Court which was filed in O.P.No.841 of 2012.



Sl. No.	Exhibits	Documents
7.	Ex.P7	The certified copy of the petition in O.P.No.841 of 2012 filed before this Court.
8.	Ex.P8	The certified copy of the affidavit of attesting witness filed in O.P.No.841 of 2012.
9.	Ex.P9	The certified copy of the affidavit of assets marked in O.P.No.841 of 2012.
10.	Ex.P10	(Serial 7 Nos) are the certified copies of the consent affidavits marked in O.P.No.841 of 2012.
11.	Ex.P11	The certified copy of the order dated 08.11.2013 in O.P.No.841 of 2012 passed by this Court.
12.	Ex.P12	The computer generated death certificate of Mr.R.Balan
13.	Ex.P13	The affidavit of assets showing the net value of the estates as Rs.25,00,000/-
14.	Ex.P14	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 03.07.2024.
15.	Ex.P15	The copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 10.07.2024.
16.	Ex.P16	The certificate under Section 65B of the Indian Evidence Act, 1872.

7. Paper publication was effected as could be seen from Exs.P14 and P15 and the learned Master has not received any objections.

8. It is seen from the records that the father of the respondents 1 to 3 have already moved the letters of administration in respect of the 'B' schedule property and the same was allowed in O.P.No.841 of 2012 dated 08.11.2013.

9. In view of the above facts, I am 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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10. In view of the evidence adduced and since the Will had been proved in manner known to law though by taking recourse to under Section 68 of the BSNS Act, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

11. With the above observations, this Original Petition stands allowed. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is directed to execute a 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.

18.10.2024

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