



RMT.TEEKAA RAMAN,J.

This original petition has been filed taking advantage of Sections 232, 246 and 276 of Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S.Rules, seeking grant of Letters of Administration with the Will annexed of L.Kishore Kumar, who had died on 10.11.2020. The petitioners are the beneficiary in the Will.

2. The petitioners herein are the wife and daughter of the deceased L.Kishore Kumar and the respondent is the mother-in-law of the first petitioner.

3. The deceased L.Kishore Kumar, during his lifetime purchased Item No.1 and Item No.4 in the schedule hereunder in his individual name and Item Nos.2,3,5 to 7 were purchased jointly by the 1st petitioner and his husband, the deceased L.Kishore Kumar. The details of which are extracted below:-

(i) Sale Deed dated 16.07.2003 registered as Doc.No.3153 of 2003 in the SRO, Velachery, in the name of L.Kishore Kumar.

(ii) Sale Deed dated 04.09.2008 registered as Doc.No.13098 of 2008 in the SRO, Sriperumbudur, in the joint names of L.Kishorekumar and the petitioner herein.



(iii) Sale Deed dated 22.08.2012 registered as Doc.No.4834 of 2012 in the SRO, Walajabad, in the joint names of L.Kishore Kumar and the petitioner herein.

(iv) Sale Deed dated 12.12.2013 registered as Doc.No.10144 of 2013 in the SRO, Thuraiyur, in the name of L.Kishore Kumar.

(v) Sale Deed dated 27.01.2017 registered as Doc.No.4168 of 2017 in the Joint-I, Sub-Registrar, Saidapet, South Chennai, in the joint names of L.Kishore Kumar and the petitioner herein.

(vi) Sale Deed dated 11.07.2019 registered as Doc.No.3247 of 2019 in the SRO, Alandur, in the joint names of L.Kishore Kumar and the petitioner herein.

(vii) Sale Deed dated 29.08.2019 registered as Doc.No.11555 of 2019 in the SRO, Tirupporur, in the joint names of L.Kishore Kumar and the petitioner herein.

4. Out of the above said 7 properties, for Item No.1 and Item No.5 of the schedule mentioned properties, the deceased L.Kishore Kumar and the 1st petitioner have jointly availed loan for the purpose of purchasing the same, with State Bank of India, 6th Avenue, Anna Nagar, Chennai, vide A/c.No.38544525064, 38544512135 and 38544614251 respectively.



5. The deceased husband during his lifetime executed a Will dated 08.11.2020 and thereby bequeathed all the properties and life insurance policies in favour of the petitioners herein, absolutely. Apart from the above properties, the deceased L.Kishore Kumar had 1/3rd in his deceased father's property at No.34, Bharathidasan Street, Ullagaram, Chennai - 600 091. He has also bequeathed his 1/3rd share in the said property to an in favour of the petitioners herein.

6. The evidence of Dr.Saaiprasanna, was examined as P.W.1 and Exs.P1 to P13 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 LIC bond bearing No.713318152 in respect of Mr.L.Kishore Kumar
2.	Ex.P2	The LIC bond bearing No.713721841 in respect of Mr.L.Kishore Kumar
3.	Ex.P3	The LIC bond bearing No.713721842 in respect of Mr.L.Kishore Kumar
4.	Ex.P4	The loan sanction letter dated 21.06.2019 by State Bank of India bearing loan A/c.No.38544614251 to P.W.1 and Mr.L.Kishore Kumar
5.	Ex.P5	The loan sanction letter dated 21.06.2019 by State Bank of India bearing loan A/c.No.38544512135 to P.W.1 and Mr.L.Kishore Kumar
6.	Ex.P6	The loan sanction letter dated 21.06.2019 by State Bank of India bearing loan A/c.No.38544525064 to P.W.1 and Mr.L.Kishore Kumar
7.	Ex.P7	The original unregistered Will dated 08.11.2020 executed by Mr.L.Kishore Kumar



Sl. No.	Exhibits	Documents
8.	Ex.P8	The death certificate of Mr.L.Kishore Kumar
9.	Ex.P9	The legal heir certificate of Mr.L.Kishore Kumar
10.	Ex.P10	The paper publication effected in one issue of Tamil Daily "Makkal Kural" datd 28.06.2024
11.	Ex.P11	The paper publication effected in one issue of English Daily "Trinity Mirror" dated 06.07.2024
12.	Ex.P12	The affidavit of assets showing the net value of the estate as Rs.79,98,519/-
13.	Ex.P13	The certificate under Section 65B of the Indian Evidence Act, 1872.

7. One of the attestor of Ex.P7 - Will was examined as P.W.2. The second attesting witness of Ex.P7-Will was examined as P.W.3. On further evidence, he was marked as Ex.P17-Aadhar Card.

8. Having satisfied with the evidence of P.W.2 and P.W.3 who are attestors of the Will and taking note of the fact that the testator was in a sound state of mind and in good health at the time of execution of Ex.P7 Will.

9. 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.

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 no impediment 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 petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners are 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 petitioners are further directed to render true and correct accounts once in a year.

22 .10.2024

nvi

RMT.TEEKAA RAMAN,J.



WEB COPY

6



nvi

O.P.No.556 of 2022

22.10.2024