



O.P.No.590 of 2023

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A.A.NAKKIRAN.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 for grant of Letters of Administration.

2. In the petition, it is stated that the petitioner is the nephew of the Testator, Mr.P.K.Balasubramanian, who died as a bachelor on 09.09.2021. During his life time, he purchased a landed property at Virugambakkam village vide sale deed dated 18.11.1981. He executed his last Will and Testament on 04.12.2005 in favour of the petitioner, which was registered vide document no.6631 of 1981 at the Office of the Sub Registrar, Chennai.

3. According to the petitioner, the petitioner is the beneficiary under the Will and the amount of assets which are likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.1,40,00,000/- 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.1,40,00,000/-. The petitioner undertakes to duly administer the



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property and credits of the deceased P.K.Balasubramanian 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 her property. Hence, the petition.

4. General paper publication was effected and affidavit of service was also filed and in pursuance of the general paper publication, this Court called for objections from any party in the open Court, but no objection is raised.

5. In order to prove his case, 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 P6.

Ex.P1 is the photocopy of the Sale Deed dated 18.11.1981 executed in favour of Dr.P.K.Balasubramanian.

Ex.P2 is the original Will dated 04.12.2005 executed by Dr.P.K.Balasubramanian.



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Ex.P3 is the computer generated death certificate of

Dr.P.K.Balasubramanian.

Ex.P4 is the affidavit of assets showing the net value of the estate as Rs.1,40,00,000/-.

Ex.P5 is a copy of Paper Publication effected in one issue of Tamil daily “Makkal Kural” dated 13.11.2023.

Ex.P6 is a copy of Paper Publication effected in one issue of English daily “Trinity Mirror” dated 20.11.2023.

6. Further, one Mr.V.L.Sethuraman was examined as PW.2 and marked his affidavit as Ex.P7. He is the first attesor to Ex.P2 Will. He knew the testator and he is well acquainted with him. The testator executed Ex.P2 Will in his presence and in the presence of Mr.S.R.Venkatraman. At the time of execution of the Ex.P2 Will, the testator was in a sound state of mind and in good health.

7. Despite the paper publication also, none has appeared and raised objections.

8.Considering the averments made in the petition and on perusing the materials available on record, this Court is satisfied that the petitioner



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is entitled to the issuance of Letters of Administration.

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9. 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.

02.02.2024

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