



O.P.No.380 of 2023

O.P. No.380 of 2023

N.SATHISH KUMAR, J.

This Petition has been filed under Sections 228 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in favour of the petitioner in respect of the Will of the testator SV Arunachalam Chettiar.

2. This petition has been filed for grant of Letters of Administration in respect of the Will of one SV Arunachalam Chettiar executed on 25.10.1996 while he was in sound state of mind. The petitioner is the executor in the Will along with eighth respondent. The petitioner and the first and second respondents are sons of the testator, the third respondent is his daughter, the fourth and eighth respondents are his sons-in-law, the fifth and sixth respondents are his grand daughters and the seventh respondent is the brother's son of the testator. The Letters of Administration in respect of the Will of the said SV Arunachalam Chettiar has been obtained in the High Court in Malaya at Ipoh, State of Perak by an Order dated 09.02.2001. The respondents have given consent for grant of letters of Administration in



O.P.No.380 of 2023

favour of the petitioner. The amount of assets which is likely to come to the hands of the petitioner does not exceed an aggregate sum of Rs.4,23,69,460/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.4,23,69,460/-. The petitioner 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 exhibit the same in this Court within 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.

3. The petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the deceased SV Arunachalam Chettiar on 25.10.1996. The certified copy of the Letters



O.P.No.380 of 2023

Administration granted by the High Court in Malaya at IPOH has been marked as Ex.P.1. The Will executed by the SV Arunachalam Chettiar has been enclosed along with Letters of Administration granted by the High Court of Malaya. Ex.P.7 is the copy of the sale deed dated 19.12.1968 in favour of the father of the testator. Ex.P.8 is the affidavit of assets showing the net value of the estate as Rs.4,23,69,460/-. Ex.P.9 and Ex.P.10 are paper publications, but none have objected for the same.

4. Considering the fact that the Letters of Administration in respect of the Will of the testator has already been granted by the High Court in Malaya on 09.02.2001 and as per Section 228 of the Indian Succession Act, when a Will has been proved and deposited in a Court of competent jurisdiction situated beyond the limits of the State, whether within or beyond the limits of India, and a properly authenticated copy of the Will is produced, letters of administration may be granted with a copy of such copy annexed, I am of the view that the petitioner is entitled for the issuance of Letters of Administration in his favour.



O.P.No.380 of 2023

5. 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.

13.03.2024

vrc



WEB COPY



O.P.No.380 of 2023

N.SATHISH KUMAR, J.

VTC

O.P. No.380 of 2023

13.03.2024