

O.P.No.258 of 2015**K.K.SASIDHARAN, J.**

This is an original petition filed under Sections 232 and 276 of the Indian Succession Act for the grant of Letters of Administration.

2. The petitioner is the son of Thiru.V.Nallendran, who died on 24.08.2011 at Trichy. The first respondent is the wife of Thiru.V.Nallendran. The second respondent is the daughter, born to the first respondent in her lawful wedlock with Thiru.V.Nallendran.

3. The Testator executed a Will on 02.06.2008 in the presence of two witnesses. The Will was registered as Document No.70 of 2008 on the file of the Sub-Registrar, Uraiyur. The petitioner and the respondents are the Class-I heirs of the deceased. Executor was not appointed under the Will. The petitioner has come up with this Original Petition for Letters of Administration on the strength of the Will.

4. The petitioner was examined as P.W.1. The following documents were marked through him:-

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original registered Will and Testament dated 02.06.2008 executed by the deceased Thiru.V.Nallendran.

<i>Exhibits</i>	<i>Documents</i>
Ex.P2	Original death certificate of the deceased V.Nallendran, who died on 24.08.2011
Ex.P3	Original Legal heir ship certificate dated 06.11.2011 in respect of the deceased V.Nallendran
Ex.P4	Photocopy of the Family Card for the period 2005-2009 which shows the petitioner's name
Ex.P5	Consent affidavit given by the first respondent
Ex.P6	Consent affidavit given by the second respondent
Ex.P7	Certified copy of new assessment order dated 27.08.2012 in respect of the Will mentioned property
Ex.P8	Affidavit of Assets showing the net value of the property
Ex.P9 Series (2 Nos)	Paper Publication effected in English Daily "News Today" dated 11.09.2015 and Tamil Daily "Malai Sudar" dated 04.09.2015 respectively

5. P.W.2 was examined to prove the Will. P.W.2 in his evidence confirmed that the Testator executed his last Will and Testament in a sound and disposing state of mind and that he along with other witness attested the Will at the same time. The affidavit of P.W.2 was marked as Ex.P10.

6. In view of the string of materials on record and the evidence tendered by P.W.1 and P.W.2, I am satisfied that the petitioner is entitled to grant of Letters of Administration.

7. There shall be an order to issue Letters of Administration with the Will annexed in favour of the petitioner. The petitioner is directed to execute a bond for a sum of Rs.25,000/- in favour of Assistant Registrar OS-II, High Court, Madras - 600 104.

In the upshot, I allow the Original Petition.

15.12.2015

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