

O.P.No.742 of 2010**R.SUBRAMANIAN.J.,**

The Original Petition was originally filed seeking grant of Probate by the Executor of the Will dated 04.01.2006 left behind by K.Shanmugam. The Testator died on 26.12.2006.

2. Pending the above Original Petition, the Executor viz., Punniyanathan died on 08.08.2017 and the respondents 1 to 4 in the Original Petition were transposed as petitioners in the Original Petition. The prayer in the Original Petition was also amended seeking issuance of Letters of Administration instead of Probate.

3. The respondents 5 to 8 in the Original Petition though served have remained exparte.

4. The Executor was examined as PW1. He has produced the original death certificate of the Testator as Ex.P1. The original Will has been produced as Ex.P2. The respondents 1 to 4 [now transposed as petitioners] have filed their consent affidavits and the same has been marked as Ex.P3 (series).

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5. One Mr.Pandurangan has been examined as PW2, who is the attesting witness to the said Will. PW2 has spoken about the execution of the Will by the Testator and its attestation by himself and one Dhandapani. The other attesting witness Dhandapani has also been examined as PW3. He has also deposed that he had attested the Will in the presence of the Testator and the other attesting witness.

6. In view of the evidence available, I find that the petitioners have proved the Will and they are entitled to grant of Letters of Administration with the Will annexed.

7. Hence, this Original Petition is allowed granting Letters of Administration with a Will annexed in favour of the petitioners. The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each in favour of the Assistant Registrar (O.S.II), High Court, Madras.

02.07.2019

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