

T.O.S.No.19 of 2016**R.SUBRAMANIAN.J.,**

Though the petition filed for grant of Letters of Administration was converted into testamentary original suit, upon the defendant filing a caveat and issues were framed, when the matter was posted before the learned Master for recording evidence, a settlement has been arrived at between the parties. The 2nd defendant has filed a proof affidavit, setting out the terms of settlement and acknowledging the fact that he has received a sum of Rs.5,00,000/- (Rupees five lakhs only) pursuant to the settlement. In the light of the settlement, the learned counsel for the defendants had not chosen to cross examine the witnesses, examined by the plaintiff.

2. The testamentary Original suit is for grant of Letters of Administration with the copy of the Will annexed in respect of the Will dated 29.04.2003 executed by late N.S.Venkatraman. The plaintiff has examined himself as PW1. He has produced the original Will dated 20.04.2003 as Ex.P1. The death certificate the testator as Ex.P2. The original death certificate of Rajammal, wife of the testator has been marked as Ex.P3 and the affidavit of attesting witness has been marked as Ex.P4. The legal heir ship certificate has been marked as Ex.P6. When the matter is taken up for evidence, one of the attesting witnesses had died and another said to be residing at USA. Hence, the plaintiff has examined one K.R.Gowri Shankar as P.W.2. He has deposed that, he, being

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the neighbour of the attesting witnesses, is acquainted with the signatures of the attesting witnesses. He has also identified the signature of the testator in the affidavit filed by him.

3. In the light of the above evidence, I find that the petitioner has proved the Will and he is entitled to grant of Letters of Administration with a copy of the Will annexed. Hence, the testamentary Original Suit is decreed, granting Letters of Administration with a copy of the Will annexed in respect of the Will dated 29.04.2003 in favour of the petitioner. The petitioner shall execute a security bond for a sum of Rs.10,000/- (Rupees ten thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras.

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25.07.2019

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