

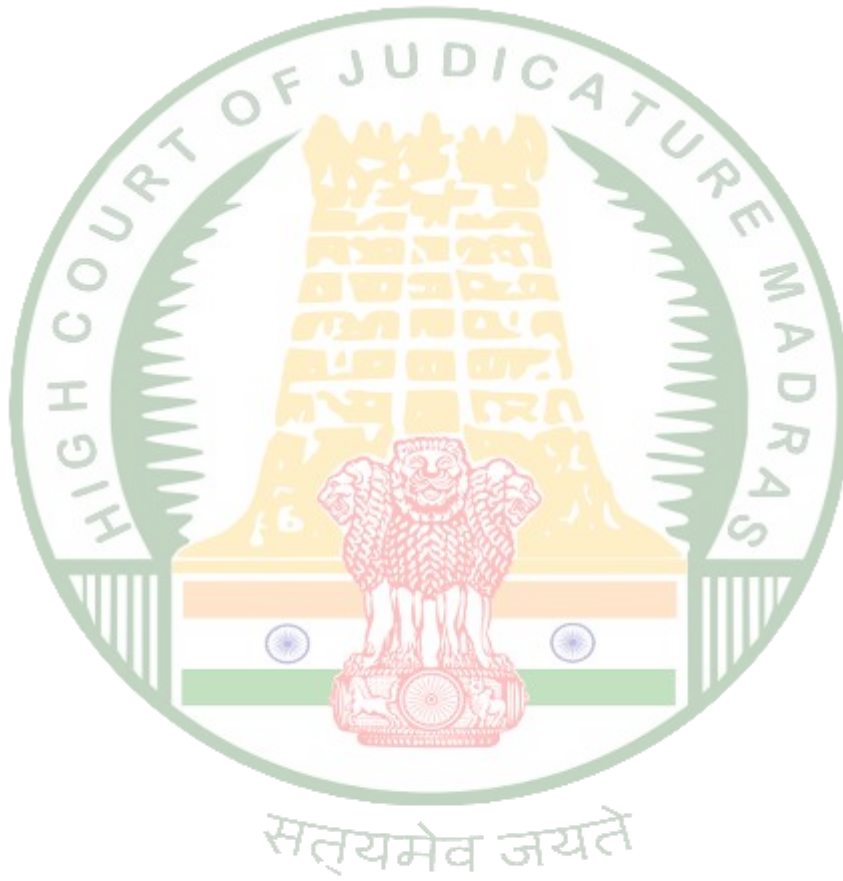
O.P.No.837 of 2014**R.SUBRAMANIAN.J.,**

The petition was filed by K.Santha @ Santhabai, wife of second petitioner and the mother of petitioners 2 to 8, seeking Letters of Administration with a copy of the Will annexed in respect of the Will dated 12.12.1963, said to have been executed by one Thayaru Ammal who died on 31.12.1970. The petitioner K.Santha @ Santhabai died pending Original petition and her legal heirs were impleaded as petitioners 2 to 8 by an order dated 02.04.2019 made in Application No.2335 of 2019.

2. Since, the respondents have not appeared either in person or through counsel, the respondents are set exparte.

3. When the Original petition was posted before the learned Master for recording evidence, the deceased 1st petitioner was examined as PW1. She had produced the death certificate of Thayaru Ammal as Ex.P1 and the original registered Will dated 12.12.1963 as Ex.P2. The death certificate of the brother of the petitioner, A.Kuppusamy, has been marked as Ex.P5. Paper Publications were made which have been marked as Ex.P8 series and no objections were received. She also deposed that the two attesting witnesses are no more. She has also examined one Paramasivam as PW.2. The said Paramasivam has identified the signatures of the two attesting witnesses, since they were his neighbours. The said Paramasivam has identified the signatures of T.Thangavel

Naicker and S.K.Kannaiya Naidu, the two attesting witnesses in the Will.



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4. Considering the fact that the Will is a registered instrument and the testator acknowledged the will before the Registering Authority, and considering the fact that the petitioners 2, 3, 4, 5, 6 and 8 have filed consent affidavits for grant of Letters of Administration in favour of the 7th petitioner, the original petition is allowed, granting Letters of Administration in respect of the Will dated 12.12.1963 with the copy of the Will annexed in favour of the 7th petitioner viz., K.Karunakaran. He 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.

25.07.2019

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