



This original petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 seeking Letters of Administration with Will annexed relating to the Will dated 04.04.2019 executed by Smt.S.Prema, the sister of the petitioner herein, who died on 16.08.2020. The respondent herein was the husband of the deceased, S.Prema. But it is stated by the learned counsel for the petitioner that the respondent / husband had separated from her within eight months of the marriage and had taken a decision to live separately.

2.Notice had been directed to the respondent and finally, since notice could not be served, paper publication had been directed and the service was deemed to be sufficient by the learned Master. There was no appearance on behalf of the respondent.

3.The petitioner was invited to adduce evidence. Accordingly, the petitioner examined himself as PW-1. The original Will dated 04.04.2019 was marked as Ex.P2. The Death Certificate of S.Prema was marked as



Ex.P4. The affidavit of assets was marked as Ex.P7. The petitioner also examined Mrs.Devaki as PW-2. She was one of the attesting witness. She affirmed the Will and stated that she signed the Will in the presence of other attesting witness Mrs.Sridevi, who was examined as PW-3 and who is wife of the petitioner herein. Both the witnesses / PW-2 and PW-3 stated that they both signed the Will in the presence of the testatrix. They also stated that the testatrix was in a sound and disposing state of mind at the time of execution of the Will. Their affidavits were marked as Exs.P10 and P11 respectively.

4.In view of the evidence adduced, I hold there is every reason to grant the relief sought in the Original Petition namely, granting Letters of Administration with will annexed.

5.With the above observations, this Original Petition stands allowed. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is directed to execute a 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.

**09.11.2022**

smv



WEB COPY

3



**C.V.KARTHIKEYAN,J.**

smv

O.P.No.499 of 2021

09.11.2022