



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

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 06.04.2017 executed by Dr.P.Lakshmi Kandom who died on 24.12.2020. She had two brothers viz., P.Sakthivel and Thiravia Natarajan. The petitioner is the son of Sakthivel. The 1st respondent is his mother / wife of Sakthivel. The 2nd, 3rd and 4th respondents are the widow and two daughters of Thiravia Natarajan.

2.Notice had been directed to the respondents. The counsel had entered appearance on behalf of the 1st respondent, but stated he has no objection. The 2nd, 3rd and 4th respondents had taken a conscious decision not to appear before this Court. The 1st, 2nd and 4th respondents had been served on 30.11.2021. The notice issued to the 3rd respondent had returned unserved that she had gone abroad. But, however, there is no objection raised.

3.The parties were invited to adduce evidence. The petitioner examined himself as PW-1. The death certificate of Dr.P.Lakshmi Kandom was marked as Ex.P1 and the registered original Will dated 06.04.2017 was marked as Ex.P2. The death certificate of his father was marked as Ex.P3 and the legal heirship certificate was marked as Ex.P4. The death certificate of his paternal



uncle Thiravia Natarajan was marked as Ex.P5. The consent affidavit of the 1st respondent was marked as Ex.P7. The petitioner also examined Dr.N.Parameswaran as PW-2. He was one of the attesting witness and he identified the Will Ex.P2 and also identified the signature of the testatrix and also the signature of the other attesting witness R.Kanmani. He specifically stated that the testatrix was in a sound and disposing state of mind at the time of execution of the Will Ex.P2.

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.

18.10.2022

smv



WEB COPY

3



C.V.KARTHIKEYAN,J.

smv

O.P.No.620 of 2021

18.10.2022