



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 24.01.2001 executed by S.Kabirdass who died on 10.06.2020.

2.The petitioner is the son of the executor S.Kabirdass. The 1st respondent is his sister and the 2nd respondent is his brother.

3.It is stated by the learned counsel that under the Will, the respondents are also beneficiaries, but the executor had demarcated portions and bequeathed them to the petitioner and the respondents. The present petition has been filed only with respect to the portion, which had been bequeathed to the petitioner herein in his capacity as son of S.Kabirdass / executor of the Will.

4.It is also stated that the 2nd respondent had independently filed an Original Petition seeking Letters of Administration in O.P.No.443 of 2022. It



is stated that even before filing of the petition, the learned counsel addressed notices to the attestors and they were not available and therefore, reliance has been placed on recording the evidence of a third party, who identified the signatures and writings of not only the executor of the Will, but also of the two attesting witnesses.

5. After completing due process, the petitioner was invited to tender evidence. The petitioner examined himself as PW-1. The original registered Will dated 24.01.2001 registered as Document No.7 of 2001 before the Sub-Registrar officer, Kodambakkam was marked as Ex.P2. The Death Certificate of his parents were marked as Exs.P3 and P4. The Legal Heirship Certificate of his father, Kabirdass was marked as Ex.P5. The letter sent to the first identifying witness was marked as Ex.P6. The letter sent to the second identifying witness was marked as Ex.P8. The returned covers were marked as Exs.P7 and P9. The affidavit of assets showing the net value of the estate was marked as Ex.P11. The witness was also cross-examined. Thereafter, the petitioner also examined PW-2, R.Jayavelu, who identified the signatures of the executor of the Will and also the attesting witnesses, in his proof affidavit.



6. 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, restricted to the portion which had been bequeathed to the petitioner herein.

7. With the above observations, this Original Petition stands allowed. The petitioner is directed to duly administer the property 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.

16.11.2022

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C.V.KARTHIKEYAN,J.

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O.P.No.746 of 2021

16.11.2022