



O.P. No. 344 of 2021

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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. One R.Nagammal, the sister of the mother of the Petitioner, died on 08.11.2006 leaving behind a Will dated 20.10.2004. The petitioner is a beneficiary under the Will. The respondent is the brother of the husband of R.Nagammal. After issuing notice, they had taken a decision to abstain from attending the court proceedings.

2. The petitioner was invited to adduce evidence. The petitioner, has examined himself as PW-1 and marked Ex.P3 the original Will dated 20.10.2004. The Will was also registered as Document No. 52 of 2001 on the file of the Sub Registrar, Velachery. The death certificate of Nagammal, who died on 08.11.2006, was marked as Ex.P1.



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3. The petitioner also examined PW-3, viz., A.Shanmugam, S/o.late.Arumugam, who was one of the attesting witnesses. He identified the Will /Ex.P3 and stated that he along with his father attested the Will. He identified the signature and he also stated that his father, viz., G.Arumugam died on 23.05.2006. He stated that R.Nagammal was in a sound and disposing state of mind at the time of execution of Ex.P3 /Will. The petitioner also examined PW-2 viz., Arumugam. But this was the not the said Arumugam, who attested the Will. Therefore, the said evidence is not required to be examined.

4. However, in view of the fact that as required under Section 65 of the Indian Evidence Act one of the witnesses is examined, Letters of Administration is granted as prayed for.

5. With the above observations, this Original Petition stands allowed. The petitioner is directed to execute a bond of Rs.25,000/- as required.

20.09.2022

Maya



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Dated :20.09.2022