

**O.P.No.347 of 2019****C.V.KARTHIKEYAN, J.,**

This petition has been filed under Order XXV Rule 5 of O.S.Rules read with Section 232, 255 and 276 of Indian Succession Act, 1925 for the grant of Letters of Administration with the original of the Will dated 24.09.2012 annexed of the properties and credits be granted to the petitioner as nephew/beneficiary/legatee under the last Will and Testament of the said deceased M.Parvathavarthini having effect throughout the State of Tamil Nadu and limited to the assets mentioned in the affidavit of assets.

2. Two persons, M.Parvathavarthini and S.Lakshmi, who are the wives of two brothers jointly executed a Will on 24.09.2012. Out of the two, M.Parvathavarthini died on 11.7.2015.

3. Now the issue is whether the Will which had been jointly executed by two persons, of whom one died could be sought to be probated. The other individual, who wrote the Will, S.Lakshmi had been impleaded as the 10th respondent. She had taken a decision to settle her half of the share of



the property and to speak about the same, she had been examined as RW-1.

WEB COPY To prove the Will in its common form, the petitioner examined himself as PW-1. The death certificate of M.Parvathavarthini was marked as Ex.P-1, and the original Will dated 24.09.2012 was marked as Ex.P-8. To further prove the Will and to speak about the attestation, PW-2 Kandavel was examined and he stated that he signed as the second attesor in the said Will along with one R.Jayanthi.

4. The respondents had been served and they had not raised any objections. The eighth respondent is residing in Texas in United States of America and it is claimed that notice had been served. There is also endorsement that service is deemed sufficient.

5. In view of these facts, I would grant Letters of Administration as prayed for of the Will with respect to the half share of M.Parvathavarthini which had been bequeathed under the Will dated 24.09.2012.



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6. Hence

(a) this Original Petition is ordered.

(b) the letters of administration shall be issued in favour of the petitioner in respect of the properties mentioned in the petition.

(c) The petitioner is directed to duly administer the said one half of the properties of the deceased. The petitioner has benefited from the settlement deed executed by the 10th respondent with respect to the other half share.

(d) The petitioner is also directed to execute a security 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.

(e) The petitioner is further directed to render true and correct accounts once in a year.

09.09.2022

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4

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