O.P. Nos.691 & 770 of 2022

N.SATHISH KUMAR, J.

COMMON ORDER

These Petitions have been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in favour of the petitioners in both the Original Petitions.

2. These petitions have been filed for grant of Letters Administration in respect of the Will of one N.Ramachandran executed on 30.11.2000. In the Original Petition in O.P.No.691 of 2002, the petitioner is the son of the testator and the first and second respondents are the daughters and the third respondent is the daughter-in-law of the testator. Similarly, the petitioner in O.P.No.770 of 2022 is the daughter-in-law of the testator and respondents are son and daughters of the testator. Similarly, Since, both the Original Petitions have been filed seeking Letters of Administration based on the

Will dated 30.11.2000 and all the parties are beneficiaries under the Will, this Court is inclined to dispose both the Original Petitions by way of a common Order.

The case of the petitioners is that the deceased N.Ramachandran left a Will dated 30.11.2000 while he was in sound state of mind bequeathing all the properties to the petitioner and the respondents in both the Original Petitions. The said Ramachandran died on 20.04.2005. The wife and parents of the testator predeceased him and another son of the testator died on 06.06.2005. The third respondent in O.P.No.691 of 2022 is the wife of the said Narayanan. As per the Will the schedule mentioned properties have been bequeathed in favour of the petitioner and the respondents each to take 1/4th share. There are no other next kin or other persons interested to be impleaded. The amount of assets which is likely to come to the each of petitioner's hands does not exceed in the aggregate sum of Rs.37,09,962/- and the net amount of the said assets after deducting all the items, which the petitioners are by law allowed to deduct is only of the value of Rs.37,09,962 /-. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning his Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibit the same in this Court within the six months from the date of the grant of a Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

3. The petitioner in both the Original Petitions has been examined as P.W.1. P.W.1 in their respective evidence had narrated the averments made in the petition stating that the petitioners have filed these petitions for grant of Letters of Administration in favour of the petitioners in respect of the Last Will and Testament executed by the deceased N.Ramachandran on 30.11.2000. The Will executed by the deceased N.Ramachandran has been marked as Ex.P.1 in both the Original Petitions. The deceased N.Ramachandran has executed the Will on 30.11.2000. In Original Petition O.P.No.691 of 2022, the death certificate of wife of the testator has been marked as Ex.P.2. Ex.P.3 is th death certificate of one Narayanan, who is one of the son of the testator. Ex.P.4 is the death certificate of the testator N.Ramachandran. Ex.P.5 is the legal heir certificate of the said Ramanchandran. Ex.P.5 has been filed to show that the petitioner and respondents in both the Original Petitions are the legal heirs of the testator. Ex.P.6 is the affidavit of assets showing the net value of the estate as Rs.37,09,962/-. Ex.P.7 and Ex.P.8 are paper publications, but none have objected for the same. The copy of the death certificate of first attesting witness Sriramulu has been marked as Ex.P.9 and the death certificate of the second attesting witness has been marked as Ex.P.10.

4. Since both the attesting witnesses in the Will died, one S.Duraimurugan, who is the son of the first attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he is well acquainted with the signature of his father and his father has signed as the first attesting witness in the Will executed by the testator N.Ramanchandran on 30.11.2000 and identified his father's signature in the Will. The evidence of P.W.1 and P.W.2 not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

5. In view of the above facts, I am of the view that the petitioner in both the Original Petitions have proved the execution and attestation of the Will. Since the petitioner and the respondents in both the Original Petitions are beneficiaries under the Will, the petitioner in both the Original Petitions are entitled for the issuance of Letters of Administration in their favour.

6. Accordingly, these petitions are allowed. Issue Letters of Administration in favour of the petitioners in both the Original Petitions. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The parties are also directed to execute a security bond independently 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 petitioners are further directed to render true and correct accounts once in a year.

20.10.2023

vrc

N.SATHISH KUMAR, J.

vrc

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