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O.P.No.224 of 2022

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N.SATHISH KUMAR, J.

This petition has been filed under Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV, Rule 5 of O.S. Rules, seeking to grant of Letters of Administration.

2. The case of the petitioner is that the deceased S.Vellaya Nadar executed a will dated 20.04.2005, wherein, the first petitioner is the beneficiary and the testator died on 05.02.2007. The respondents are the brothers of the first petitioner. There is no other kin or persons interested who has to be impleaded. During the pendency of this Original Petition, the first petitioner/beneficiary died and the legal heirs of the first petitioner are impleaded as the petitioners 2 to 4 vide Order dated 23.06.2023 passed in A.No.3140 of 2023. The amount of assets which is likely to come into the petitioners' hands does not exceed in the aggregate sum of Rs.75,00,000/-



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and the net amount of the assets, after deducting all items which the petitioners are by law allowed to deduct is of the value of Rs.75,00,000/-.

The petitioners undertakes to duly administer the property and credits of the deceased S.Vellaya Nadar and in any way concerning the Will by paying first her debts and then the legacies therein bequeathed so far as the assets will extend and to make a full and true inventory thereof to the Court within six months from the date of grant of Letters of Administration to the petitioners and also to render to this Court a true account of the said property and credits within one year from the said date.

3. The third petitioner examined herself as P.W.1 and she had narrated the averments made in the petition stating that the petitioners have filed this petition for the grant of Letters of Administration in their favour in respect of the Last Will and Testament executed by the testator on 20.04.2005. Ex.P.2 is the original Will executed by the deceased S.Vellaya Nadar. The deceased has executed the Will on 20.04.2005. Ex.P.3 is the Original death certificate of the deceased S.Vellaya Nadar. Ex.P.5 is the computer generated death certificate of S.V.Prakash/first petitioner. Ex.P6 is



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the computer generated legal heirship certificate of the S.V.Prakash/first petitioner. Ex.P7 is the affidavit of assets showing the net value of estate as Rs.75,00,000/-. Exs.P.8 & 9 are the paper publications. Despite paper publications, none have objected.

4. The second attesor of the Will dated 20.04.2005 has been examined as P.W.2. P.W.2 in his evidence has stated that the testator executed his last Will and Testament on 20.04.2005 in his presence and in the presence of Mrs.Indu Ravishankar and at the request of the testatrix, the said Mr.C.L.Siddalingappa and P.W.2 have subscribed their signatures in the presence of the testator. He has further deposed that while executing the Will, the testator was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. The evidence of P.W.1 and P.W.2 not only prove 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 petitioners have proved the execution and attestation of the Will. Hence, the petitioners 2 to 4 are entitled for the issuance of Letters of Administration in their



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favour.

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6. The Original Petition is ordered. Issue Letters of Administration in favour of the petitioners 2 to 4. The petitioners 2 to 4 are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners 2 to 4 are 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. The petitioners 2 to 4 are further directed to render true and correct accounts once in a year.

20.11.2023

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