

**O.P. No.161 of 2022****N.SATHISH KUMAR, J.**

This Petition has 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.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one R. Sridharan executed on 23.11.2011.

2.1. After executing the Will, the above said R.Sridharan died on 12.04.2019 leaving the property described in the schedule within the jurisdiction of this Court. The deceased married one Savithri on 26.04.1981 and subsequently obtained divorce on 23.11.1989 and there were no issues born out of the wedlock. The deceased had a step-mother who died within six months after the death of the testator without leaving behind any legal heirs. The deceased had two brothers and they also pre-deceased him without leaving any legal heirs.

2.3. The deceased R.Sridharan is the uncle of petitioners' mother who is the first respondent herein and brother of second respondent and third respondent is the son of second respondent. The first and second petitioners are brothers and the 1st respondent is their mother. The petitioners and respondents are the only surviving legal heirs of the deceased R.Sridharan.



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2.4 During his lifetime, the deceased executed a Will on 23.11.2011 registered as Document No.96 of 2011 in the Sub Registrar Office, Mylapore bequeathing his immovable properties found in the schedule in favour of the petitioners. No Executor was appointed under the Will.

2.2. The respondents have given their consent for grant of Letters of Administration in favour of the petitioners and to that effect, their consent affidavits were also filed.

2.3. 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 exhibits 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 first petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in favour of the petitioners in respect of the Last Will and Testament executed by the deceased R. Sridharan on 23.11.2011. Ex.P.1 is the original Will executed by the deceased R.Sridharan which proves that the deceased R. Sridharan has executed a Will on 23.11.2011.



Ex.P.2 is the copy of the death certificate of the deceased R. Sridharan which proves that the testator R.Sridharan died on 12.04.2019. Ex.P.3 is the original sale deed dated 29.11.2004 in favour of R.Sridharan. . Ex.P.6, Ex.P.7 and Ex.P.8 are the consent affidavits given by the respondents 1, 2 and 3 respectively. Ex.P.9 is the affidavit of assets showing the net value of the estate as Rs.57,80,425/-. Ex.P.10 and Ex.P.11 are the paper publications effected in Tamil and English Dailies stating that persons claiming interest over the estate of the deceased may file their objections, but none have objected for the same. Ex.P.12 is the affidavit of the attesting witness.

4. The sister of the deceased namely R.Shanthi, the 2nd respondent herein is one of the attesting witness to the Will, was examined as P.W.2. In her evidence, she has stated that the testator was in sound and disposing state of mind while executing the Will and she has also seen the testator signing the Will and the other attesting witness signing in the document. She has also stated that the testator has seen the attesting witnesses subscribing their signatures in the Will. The evidence of attesting witness 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 petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.



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6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioners. The petitioners are directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioners 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 are further directed to render true and correct accounts once in a year.

09.10.2023

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