

**O.P. No.202 of 2023****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 of Administration in respect of the estate of one Mrs.S.C.Rajalakshmi. The 1st petitioner is the son, 1st respondent is the husband and the 2nd respondent is the daughter of the deceased S.C.Rajalakshmi respectively. The petitioner and the respondents are the Class-I legal heirs of the deceased. The deceased during her life time had executed an unregistered Will on 05.11.2020 giving life interest to her son, the petitioner herein and his wife and vested remainder to their daughter (grand child of the testatrix). However, under the Will no executor was appointed by the testatrix. The testatrix died on 28.08.2022.

3. The respondents 1 & 2 have given consent for grant of Letters of Administration in favour of the petitioner. The petitioner undertook to duly administer the specified property and credits of the deceased in any way concerning her 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 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.

4. The petitioner examined himself as P.W.1. Narrating the averments made in the petition, he (P.W.1) has stated that he has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by his mother-S.C.Rajalakshmi on 05.11.2020. Ex.P.1 is the unregistered Will dated 05.11.2020 executed by S.C.Rajalakshmi. Ex.P.2 is the computer generated death certificate of late S.C.Rajalakshmi. Ex.P.3 is the computer generated legal heir certificate of the testatrix. Ex.P.4 is the photocopy of the settlement deed dated 07.03.2008.

5. One Mr.K.S.Suresh, who is one of the attesting witnesses in the Will, was examined as P.W.2. The other witness who had attested the Will is one R.Chenthil Selvan. P.W.1 has stated that the testatrix was in sound state of mind while executing the Will and he had also seen the testatrix signing the Will and the other witness subscribing his signature as an attesting witness. He has also stated that the testatrix had 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.

6. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in his favour.

7. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties as a life interest holder and credits of the deceased more fully described in the schedule. 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. The petitioner is further directed to render true and correct accounts once in a year.

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