



[O.P.NO.806 OF 2021](#)

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N.SATHISH KUMAR, J.

This Original Petition has been filed under Sections 232 and 276 of Indian Succession Act, 1925, read with Order XXV Rule 5 of Original Side Rules, for the grant of Letters of Administration in respect of the Last Will and Testament of the deceased C.D.Jayarama Rao Mudaliar.

2.Heard the learned counsel for the petitioners and the respondents.

3.The deceased C.D.Jayarama Rao Mudaliar executed a Will dated 13.12.1991 bequeathing the property in favour of one C.D.Ramachandran granting life interest in the property and respondents 2 and 3. C.D.Ramachandran died and the first petitioner is the wife of C.D.Ramachandran. Therefore, the petitioners seeks Letters of Administration.

4.On the side of the petitioners, the second petitioner has examined herself as P.W.1 and Exs-P.1 to P.21 were marked. The



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respondents have no objection for granting Letter of Administration and they have also filed consent affidavits.

5.P.W.1 in her evidence had narrated the averments made in the Original Petition stating that the petitioners have filed this Original Petition for the grant of Letters of Administration in their favour in respect of the Last Will and Testament executed by the deceased C.D.Jayarama Rao Mudaliar. Ex-P.1 is the original Will dated 13.12.1991 executed by the deceased; Exs-P.2, P.3, P.4 and P.6 are the death certificates of Mrs.Chandra Bai, Mrs.C.R.Jayamala, Mrs.C.R.Rajasekar and Mrs.M.Rukmaniammal and Ex-P.5 is the legal heir certificate of Mr.C.R.Rajasekar; Ex-P.7 is the copy of the order in O.P.No.561 of 1990 dated 09.04.1991 passed by this Court; Exs.P.8 to P.11 are filed to prove the title of the property; Exs-P.12 to P.18 are the consent affidavits filed by the respondents; Ex-P.19 is the affidavit of assets showing the net value of estate as Rs.50,00,000/-; Exs-P.20 and P.21 are the paper publications and none have objected for the same.

6.Both the attesting witnesses died. Mr.V.Balaraman and Mr.Charavanan, sons of attesting witnesses have been examined as P.W.2



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and P.W.3 respectively. They were examined to identify the signature of the attesting witnesses as well as the signature of the testator. They spoken about the attestation by their parents in the Will. The evidence of sons of the attesting witnesses proves the compliance of the proof of will there is no other materials to suspect the Will.

7.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.

8.Accordingly, this Original Petition is ordered. 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.

18.12.2023

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