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WEB CO **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 Madras High Court Original Side Rules, for the grant of Probate in respect of the last Will and Testament of the deceased V.Devika Rani.

2. The petitioner is the husband of the deceased V.Devika Rani and the testatrix of the Will in question. The petitioner and the deceased V.Devika Rani had a female child named Bhuvana from their wedlock. The said Bhuvana was given in marriage to the 1st respondent. The 2nd respondent is the minor daughter of the 1st respondent and the deceased Bhuvana. The petitioner's daughter died on 08.11.2020 leaving behind her minor daughter, the 2nd respondent and husband the 1st respondent.

3. In the petition, it is stated that the deceased V.Devika Rani died on 13.10.2020 at Kauvery Hospital, Mylapore, Chennai. During her life time she executed the Will in question on 20.03.2019 bequeathing the schedule mentioned property in favour of the petitioner while she was in a sound state of mind.



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4. The petitioner is the sole beneficiary under the Will. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.30,00,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.30,00,000/-. The petitioner has impleaded all the next of kin of the deceased and other persons interested as respondents and there is no next kin or other persons interested to be impleaded. The 1st respondent has filed consent affidavits. He has also filed a separate consent affidavit on behalf of the minor 2nd respondent in the capacity of father and natural guardian. The petitioner undertakes to duly administer the property and credits of the deceased V.Devika Rani 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 petitioner and also to render to this Court a true account of the said property and credits within one year from the said date. No application has been filed in any other Court for the letters of administration of the Will of the said deceased or Letters of Administration with or without Will annexed to her property.



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5.The petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that he has filed this petition for the grant of letters of administration in his favour in respect of the Last Will and Testament executed by the testatrix on 20.03.2019. The petitioner marked Ex.P. 1 to Ex.P.15. Ex.P.1 is the original Will dated 20.03.2019 executed by Mrs.V.Devikarani. Ex.P.2 is the certified copy of the settlement deed dated 17.05.2022 executed by Sivakamu Ammal in favour of the testatrix. Ex.P.3 is the certified copy of the sale deed dated 07.03.2008 executed in favour of the testatrix by Chennai Metropolitan Co-operative Housing Society Limited, Vepery, Chennai. Ex.P.4 is the certified copy of the construction agreement dated 09.06.2014 between M/s.Vaams rep. By its Proprietor V.Soundarajan and the testatrix. Ex.P.5 is the certified copy of the sale deed dated 09.06.2014 executed in favour of the testatrix by V.Rani rep. by her General Power of Attorney M/s.Vaams , rep. By its Proprietor. Ex.P.6 is the computer generated death certificate of the testatrix. Ex.P.7 is the computer generated birth certificate of the minor 2nd respondent. Ex.P.8 is the computer generated death certificate of Mrs.Bhuvana. Ex.P.9 is the computer generated legal heir certificate of the testatrix. Ex.P.10 is the computer generated legal heir certificate of Mrs.Bhuvana. Ex.P.11 is the



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photocopy of Aadhaar Card of the petitioner. Ex.P.12 is the photocopy of the Aadhaar Card of the 1st respondent. Ex.P.13 is the affidavit of assets showing the net value of the estate as Rs.30,00,000/- Ex.P.14 is the photocopy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 23.09.2023. Ex.P.15 is the copy of paper publication effected in one issue of English Daily”Trinity Mirror” dated 30.09.2023.

6. One of the attestors to the Will dated 20.03.2019 viz., V.Soundarajan was examined as P.W.2. P.W.2 is none other than the brother-in-law of the testatrix and the brother of the petitioner. In his evidence, P.W.2 had stated that the testatrix executed her last Will and Testament on 20.03.2019 in favour of his brother, the petitioner and in the presence of one D.Vijayasankar. At the request of the testatrix, P.W.2 subscribed his signature as first attesting witness along with the other attesting witness, who attested the Will as the second attesting witness in the presence of the testatrix. While executing the Will, the testatrix was in a sound and disposing state of mind and memory.



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7. In view of the above facts, this court is of the view that the petitioner has proved the execution and attestation of the Will and there is no contra evidence. Thus, the petitioner is entitled for the issuance of Letters of Administration in his favour.

Accordingly, the Original Petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties 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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