



[O.P.NO.162 OF 2023](#)

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WEB CO **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 Will and Testament of the deceased T.Palani.

2.The petitioner is the son of the deceased; first respondent is the mother of the petitioner and the respondents 2 to 6 are the brothers and sisters of the petitioner. The case of the petitioner is that the deceased T.Palani executed a registered Will dated 06.02.2019 bequeathing the property in favour of the petitioner. The deceased died on 06.10.2019. The petitioner and the respondents are the legal heirs of the deceased. Hence, the petitioner seeks Letters of Administration in his favour.

3.The respondents have given consent affidavits to grant Letters of Administration in favour of the petitioner.

4.On the side of the petitioner, the petitioner has examined himself as P.W.1 and Exs-P.1 to P.9 were marked.



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5.P.W.1 in his evidence had narrated the averments made in the Original Petition stating that the petitioner has filed this Original Petition for the grant of Letters of Administration in his favour in respect of the Will executed by his father Late T.Palani. Ex-P.1 is the original Will dated 06.02.2019 executed by the deceased; Exs-P.2 and P.3 are the death and legal heir certificates of the deceased; Ex-P.4 is the copy of the revenue records to show that the property stood in the name of the petitioner's father; Exs-P.5 P.6 are filed to prove the death of the parents of the deceased; Ex-P.7 is the affidavit of assets showing the net value of the estate as Rs.15,00,000/-; Exs-P.8 and P.9 are paper publications and none have objected for the same.

6.One of the attestors of the Will dated 06.02.2019 viz., Mr.R.Gopinath was examined as P.W.2. In his evidence, P.W.2 has stated that the deceased executed his last Will and Testament on 06.02.2019 in his presence and in the presence of one Mr.T.P.Dillikumar. At the request of the testator, P.W.2 signed as second witness. While executing the Will, the testator was in a sound and disposing state of mind and in his presence the attesting witness subscribed his signature in the Will. Ex.P.10 is the affidavit filed by P.W.2 in this regard. The evidence of attesting witness not only prove



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the execution but also attestation of the Will and there is no other materials to suspect the Will.

7.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.

8.Accordingly, this Original Petition is ordered. 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.

17.10.2023

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