



O.P.No.774 of 2022

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N.SATHISH KUMAR, J.

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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. The petitioner is one of the daughters of Sriraman Naicker @ Sriramalu. She has filed this petition has been filed for grant of Letters Administration in respect of the Will of his father executed on 11.09.1995 and duly registered on 11.09.1995 itself. The petitioner claims to be the only beneficiary under the Will. The respondents 1, 2 and 5 are the other daughters, respondents 3, 4 and 6 are the sons of the deceased Sriraman Naicker @ Sriramalu [hereinafter will be referred to as “the testator”]. The respondents 7 to 10 are children of the deceased son – Umapathy of the testator. The wife of the testator and the mother of the petitioner and the respondents 1 to 5 by name Mrs.Gowri predeceased the testator.

3. It is the case of the petitioner that her father, the testator during his life time when he was hale and healthy executed and registered a Will in her favour bequeathing the petition schedule mentioned property. The respondents have filed their affidavit individually expressing their consent for grant of Letters of Administration in favour of the petitioner. The petitioner undertakes 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



O.P.No.774 of 2022

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 is present in court. She is deaf and dumb and hence, her son-Karthick is examined as P.W.1 and Ex.P.1 to Ex.P.8 are marked. P.W.1 in his evidence narrating the averments made in the petition has stated as to how his mother, the petitioner herein has become entitled for the grant of Letters of Administration in favour of the petitioners in respect of the Last Will and Testament executed by her father on 11.09.1995 which is a registered one. Ex.P.1 is the Will dated 11.09.1995 executed by the testator in favour of the petitioner. Ex.P.2 death certificate is filed to prove that the testator is no more and he died on 06.07.2007. Ex.P.3 legal heir certificate is filed to prove the legal heirship of the parties and to prove that there are no other kins of the testator are available to be impleaded. Ex.P.4 legal heirship certificate is filed to prove that the brother of the petitioner viz., Umapathy predeceased the testator. Ex.P.5 is the legal heirship certificate of the deceased Umapathy. This has been filed to prove that the respondents 7 to 10 are wife, sons and daughter respectively of the deceased Umapathy, the brother of the petitioner and the deceased son of the testator. Ex.P.6 is the affidavit of assets showing the net value of the estate as Rs.15,93,876/-. Ex.P.7 is the copy of the paper publication effected in one issue of Tamil Daily **“Dina Kural”** dated 09.09.2023. Ex.P.8 is the copy of the paper publication effected in one issue of English Daily **“Southern Mail”** dated 16.09.2023. Despite notice and publication but none have objected for the same. The



O.P.No.774 of 2022

respondents 1 to 10 have submitted their affidavits individually consenting for the issuance of letters of administration in favour of the petitioner.

5. One D.Shanmugam, who was one of the attesting witnesses to the Will, was examined as P.W.2. In his evidence, he has stated that the testator was in sound state of mind while executing the Will and he had seen the testator signing the Will and further he signed the Will as attesting witness in the presence of the testator and in the presence of the other attesting witness. He has also stated that the testator had seen both himself and the other attesting witnesses subscribing their signatures on 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, this court is of the view that with the testimony of P.W.2, the petitioner has discharged the onus and has also proved the Will in terms of Section 68 of the Evidence Act and Section 63 of the Indian Successions Act. Since there appears to be no impediment in grant of letters of administration, petitioner is held to be entitled for grant of Letters of administration under Section 278 of the Indian Succession Act, in respect of the estate of the testator in favour of the petitioner, to administer the same.

7. Accordingly, this 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



O.P.No.774 of 2022

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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O.P.No.774 of 2022

N.SATHISH KUMAR, J.

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O.P.No.774 of 2022

14..12..2023

5 of 5