O.P.No.331 of 2022

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 O.S. Rules, for the grant of Letters of Administration in respect of the last Will and Testament of the deceased Chandraammal.

2. The case of the petitioner is that the deceased Chandraammal executed a will dated 30.08.1990, wherein, the petitioners are the beneficiary, the first respondent is the guardian and the testatrix died on 31.10.2011. The husband of of the testatrix predeceased her on 27.01.2020. The respondents are the son and daughters of the testatrix. There is no other kin or persons interested who has to be impleaded. The amount of assets which is likely to come into the petitioners' hands does not exceed in the aggregate sum of Rs.80,00,000/- and the net amount of the assets, after deducting all items which the petitioners are by law allowed to deduct is of the value of Rs.80,00,000/-. The petitioners undertakes to duly administer the property and credits of the deceased Chandraammal 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 petitioners and also to render to this Court a true account of the said property and credits within one year from the said date.

3. The second petitioner examined himself as P.W.1 and he had narrated the averments made in the petition stating that the petitioners have filed this petition for the grant of probate in their favour in respect of the Last Will and Testament executed by the testatrix on 30.08.1990. Ex.P.2 is the original Will executed by the deceased Chandraammal. The deceased has executed the Will on 30.08.1990. Ex.P.3 is the computer generated death certificate of the deceased Chandraammal. Ex.P.3 has been filed to prove that the testatrix died on 31.10.2011. Ex.P.4 is the photocopy of legal heirship certificate of the deceased. Ex.P6 is the affidavit of assets showing the net value of estate as Rs.80,00,000/-. Exs.P.7 & 8 are the paper publications, none have objected.

4. The second attestor of the Will dated 30.08.1990 has been examined as P.W.2. P.W.2 in his evidence has stated that the testatrix executed her last Will and Testament on 30.08.1990 in his presence and in the presence of A.T.Azhaguvel Nadar and at the request of the testatrix, the said A.T.Azhaguvel Nadar and P.W.2 have subscribed their signatures in the presence of the testatrix. He has further deposed that while executing the Will, the testatrix was in a sound and disposing state of mind and in his presence the attesting witnesses subscribed their signature in the Will. The evidence of P.W.1 and P.W.2 not only prove execution but also attestation of the Will and there is no other materials to suspect the Will.

5. 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.

N.SATHISH KUMAR, J.

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6. Accordingly, this petition is allowed. 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 petitioner 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.

07.11.2023

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