

**O.P. No.853 of 2017**

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N.SATHISH KUMAR, J.

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. This petition has been filed for grant of Letters Administration in respect of the Will of one Komalammal executed on 01.04.1978, wherein, the beneficiaries are the petitioner, third respondent and one Late.S.R.Kamalam/wife of the first respondent. S.R.Kamalam died on 19.10.2006 and the testatrix died on 10.07.1980, leaving behind the first respondent/N.P.Raghavan and late N.Venkatesan as her surviving legal heirs. The said N.Venkatesan died on 18.12.1983, leaving behind the respondents 3 to 8 as his legal heirs. The first respondent is the petitioner's father and the second respondent is petitioner's sister. The respondents have given consent for grant of Letters of Administration in favour of the petitioner. The petitioner hereby 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 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.

3. The first respondent/father and power agent of the petitioner has been examined as P.W.1. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in favour of the petitioner in respect of the Last Will and Testament executed by the deceased Komalammal on 01.04.1978. It is also stated by the P.W.1 that the respondents have given consent affidavit for granting Letters of Administration with the will in favour of the petitioner. Exs.P.1 & P.2 are the original sale deed in favour of Komalammal. Ex.P.3 is the original unregistered will dated 01.04.1978 executed by the deceased. Ex.P.4 is the original death certificate of the deceased Komalammal. Ex.P.4 has been filed to prove that the testatrix



Komalammal died on 10.07.1980. Ex.P.7 is the certified copy of the general power of attorney dated 22.02.1991 executed by the petitioner in favour of the first respondent. Ex.P.11 is the original legal heirship certificate of Mrs.S.R.Kamalam. Ex.P.12 is the computer generated death certificate of Mr.N.Venkatesan. Ex.P.14 is the affidavit of assets showing the net value of the estate as Rs.39,19,500/-. Exs.P.15 & P.16 are paper publications, but none have objected for the same. Ex.P.17 is the affidavit sworn by the first respondent as the first attester of the will. P.W.1/N.P.Raghavan/first respondent is not only the power agent of the petitioner, but also the first attester of the will. He has also stated that the testatrix was in sound state of mind while executing the Will and he has also seen the testator signing the Will and the other attesting witness signing in the document. He has also stated that the testatrix has seen the attesting witnesses subscribing their signature in 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.

4. In view of the above facts and consent affidavit being given by the respondents, 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.

5. 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 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.

19.12.2023

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O.P. No.307 of 2023

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