



[O.P.NO.287 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 Last Will and Testament of the deceased Mr.G.Shanmugam.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3.The petitioners are the sons of the deceased G.Shanmugam and the respondent is the daughter of the deceased G.Shanmugam. It is the case of the petitioners that the deceased executed a Will dated 06.04.2011 which was registered as Document No.24/2011 on the file of SRO, Villivakkam, bequeathing the property in favour of the petitioners. The deceased died on 19.05.2019 and his wife also pre-deceased him on 13.11.2012. Hence, the petitioners, being the legal heirs of the deceased, seeks Letters of Administration.



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4.On the side of the petitioners, the second petitioner has examined himself as P.W.1 and Exs-P.1 to P.12 were marked. The respondent has no objection for granting Letters of Administration in favour of the petitioners and she has also filed consent affidavit.

5.P.W.1 in his evidence had narrated the averments made in the Original Petition stating that the petitioners have filed this Original Petition for the grant of Letters of Administration in respect of the Last Will and Testament executed by the deceased Mr.G.Shanmugam. Ex-P.1 is the original Will dated 06.04.2011 executed by the deceased; Ex-P.2 is the computer generated death certificate of the deceased; Ex-P.3 is the legal heir certificate of the deceased; Ex-P.4 is the computer generated death certificate of the wife of the deceased; Exs-P.5 to P.7 are filed to prove the title of the property; Ex-P.10 is the affidavit of assets showing the net value of the estate as Rs.2,99,90,000/-; Exs-P.11 and P.12 are the paper publications and none have objected for the same.

6.Mr.Srinivasan, one of the attesting witnesses of the Will has been examined as P.W.2. He has stated about the execution as well as the attestation of the Will by the said Mr.G.Shanmugam while he was in sound state of mind in the presence of one Mrs.C.Nirmala. At the request of the



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testator, P.W.2 signed as second attester to the Will. Ex-P.13 is the affidavit filed by P.W.2 in this regard. 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.

7.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 is entitled for the issuance of Letters of Administration in their favour.

8.Accordingly, this Original Petition is ordered. 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 petitioners 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.

20.12.2023

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