



O.P.No.482 of 2023

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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 in respect of the Will of of one S.S.Sundaresan in favour of the petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one S.S.Sundaresan executed on 25.02.2008. The testator had appointed his wife Saraswathi as sole Executrix of the said Will. The petitioner is the beneficiary under the Will. The testator S.S.Sundaresan died on 11.05.2009. The wife of the testator also died on 15.12.2015. The amount of assets which is likely to come to the hands of the petitioner does not exceed in the aggregate sum of Rs.4,09,51,000/- and the net amount of the said assets after deducting all the items, which the petitioner is by law allowed to deduct is only of the value of Rs.4,09,51,000/-. The petitioner hereby undertake to duly administer the specified property and credits of the



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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 trustee of the petitioner trust Mr.V.Rajeswaran 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 S.S.Sundaresan on 25.02.2008. The Will executed by the deceased S.S.Sundaresan has been marked as Ex.P.1. Ex.P.2 is the computer generated death certificate of the testator S.S.Sundaresan. Ex.P.2 has been filed to prove that the testator S.S.Sundaresan died on 15.02.2015. Ex.P.3 is the original legal heirship certificate of S.S.Sundaresan. Ex.P.3 shows that his S.Saraswathy is the legal heir of the testator S.S.Sundaresan. Ex.P.4 is the computer generated



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death certificate of the wife of the testator. Ex.P.4 shows the wife of the testator S.Saraswathy died on 15.02.2015. Ex.P.5 is the minutes of meeting of the petitioner's trust dated 05.02.2023 authorizing the petitioner to represent the petitioner's trust in Court. Ex.P.6 is the affidavit of assets showing the net value of the assets as Rs.4,09,51,000/-. Ex.P.7 and 8 Paper publications have been effected but none objected for the same.

4. One T.N.S.Varada Desikan, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he has signed as the first attesting witness in the Will along with one S.Anand. He has further stated in his evidence that the testator 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 testator has seen the attesting witnesses subscribing their signature in the Will. The affidavit of the attesting witness is marked as Ex.P.9. 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.

5. In view of the above facts, I am of the view that the petitioner has



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proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in favour of the petitioner.

6. 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.

13.12.2023

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