



O.P.No.524 of 2022

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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 favour of the petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one Kamala Kaur executed on 08.12.2014. The petitioner and fifth respondent are the sons of the testator and sixth and seventh respondents are daughters of the testator. The respondents 1 to 4 are the husband, son and daughters of the another daughter of the testator viz., Lalitha. The husband of the testator predeceased the testator. Hence, the petitioner and the respondents are the legal heirs of the testator. The testator Kamala Kaur died on 29.01.2022. The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate sum of Rs.1,10,13,000/- 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



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value of Rs.1,10,03,000/-. The petitioner hereby undertake 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 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 Kamala Kaur on 08.12.2014. Ex.P.1 is the computer generated death certificate of the deceased Kamala Kaur. Ex.P.1 has been filed to prove that the testator Kamala Kaur died on 29.01.2022. The Will executed by the deceased Kamala Kaur has been marked as Ex.P.2. The deceased Kamala Kaur has executed the Will on 08.12.2014. Ex.P.3 is the



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computer generated death certificate of the husband of the deceased. Ex.P.3 indicate that the husband of the testator died on 14.11.2018. Ex.P.4 is the computer generated death certificate of R.Lalitha Bai. Ex.P.5, Ex.P.6, Ex.P.7 and Ex.P.9 sale deeds have been filed to show the assets in the name of the deceased. Ex.P.9 is the affidavit of assets showing the net value of the estate as Rs.1,10,03,000/-. Ex.P.10 and Ex.P.11 are paper publications, but none have objected for the same.

4. One S.Sasikala, who is the third attesting witness in the Will, was examined as P.W.2. In her evidence, she has stated that she has signed as the third attesting witness in the Will. She has further stated in her evidence that the testator was in sound state of mind while executing the Will and she has also seen the testator signing the Will and the other attesting witnesses signing in the document. She has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. The affidavit filed by P.W.2 has been marked as Ex.P.12. 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.



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5. In view of the above facts, 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.

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.

30.10.2023

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