



[O.P.NO.443 OF 2022](#)

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WEB CO **N.SATHISH KUMAR, J.**

This Original Petition has been filed under Sections 232, 255 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 dated 24.01.2001 of the deceased S.Kabirdass.

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

3.The petitioner is the son of the deceased and first respondent is the sister and second respondent is the brother of the petitioner. The testator S.Kabirdass, the father of the petitioner and respondents executed a Will dated 24.01.2001 bequeathing the entire first floor of the property to the second respondent as mentioned in “C” Schedule of the Will and the entire second floor has been bequeathed to the petitioner as mentioned in “B” Schedule of the Will.



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4.It is admitted by the learned counsel on either side that the second respondent has filed a separate petition in O.P.No.746 of 2021 for grant of Letters of Administration in respect of a portion of the property bequeathed to him. This Court also by order dated 16.11.2022, in O.P.No.746 of 2021, granted Letters of Administration to the second respondent in respect of the Will executed by his father dated 24.01.2001.

5.Now, the present Original Petition has been filed in respect of a portion of the property bequeathed to the petitioner, under the same Will. As the said Will had already been duly proved in the other proceedings before this Court in O.P.No.746 of 2021 and certified copy of the Will dated 24.01.2001 has been marked as Ex-P.1, this Court is inclined to grant Letters of Administration in favour of the petitioner herein and accordingly, Letters of Administration is granted in favour of the petitioner under Section 228 of the Indian Succession Act, 1925.

7.Accordingly, this Original Petition is ordered. Issue Letters of Administration in favour of the petitioner in respect of the shares bequeathed to him under the Will dated 24.01.2001 which had already been proved in the



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manner known to law in the connected proceedings in O.P.No.746 of 2021.

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.

07.11.2023

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