



O.P.NO.53 of 2023

O.P.No.53 of 2023

N.SATHISH KUMAR, J.

WEB COPY

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. The petitioner is the paternal great grandson of the one A.Rajaram. It is the case of the petitioner that his paternal great grandfather – A.Rajaram [hereinafter will be referred to as “the testator”] had executed a Will dated 29.06.2012 in his favour. The testator got married to Gnanamani and they had no issues from the marriage. The testator died on 06.02.2016 leaving his wife as the only legal heir. After the death of the testator the Will has come into effect. The wife of the testator died on 05.02.2022. There are no other legal heirs for Gnanamani, the wife of the testator. The testator is the younger brother of A.Lingesan and grandfather of the petitioner. The respondent is the son of the said A.Lingesan. He has filed his consent affidavit expressing no objection for granting letters of administration in favour of the petitioner.

3. The petitioner 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 six months from the date of the grant of a Letters of Administration with the Last Will



O.P.NO.53 of 2023

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.

4. The petitioner examined himself as P.W.1 and marked Ex.P.1 to Ex.P.8. P.W.1 in his evidence has narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in his favour in respect of the Last Will and Testament executed by the testator on 29.06.2012. Ex.P.1 is the original Will dated 29.06.2012 executed by A.Rajaram. Ex.P.2 is the photocopy of the sale deed dated 25.01.2000 executed in favour of the testator in respect of the petition schedule mentioned property. Ex.P.3 is the computer generated death certificate of the testator. Ex.P.4 is the computer generated death certificate of Mrs.R.Gnanamani, the wife of the testator. Ex.P.5 is the photocopy of the legal heir certificate of the testator. Ex.P.6 is the affidavit of assets showing the net value of estate as Rs.9,75,000/-. Ex.P.7 is the copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 17.10.2023. Ex.P.8 is the copy of the paper publication effected in one issue of English Daily "Trinity Mirror" dated 25.10.2023.

5. One Mr.Jayakanthan, who was one of the attesting witnesses in the Will, was examined as P.W.2. In his evidence, he has stated that the testator was in sound state of mind while executing the Will and he had also seen the testator signing the Will and the other attesting witness subscribing his signature in the Will. He has also stated that the testator had seen the attesting witnesses



O.P.NO.53 of 2023

subscribing their signatures 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.

6. 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.

7. 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 petitioners are further directed to render true and correct accounts once in a year.

05..12..2023

kmk



WEB COPY



O.P.NO.53 of 2023

N.SATHISH KUMAR, J.

kmk

O.P. No.53 of 2023

05..12..2023

4 of 5



WEB COPY



O.P.NO.53 of 2023