

**O.P. No.29 of 2023**

WEB COPY

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 Letters of Administration.

2. This petition has been filed for grant of Letters of Administration in respect of the Will of one Thulasiammal executed on 30.03.2016. According to the petitioner, the said Thulasiammal had three brothers and two of them predeceased her and first petitioner is wife of one of the brothers N.Boopathy. First respondent is the third brother of Thulasiammal and Respondents 2 to 5 are the daughter and sons of first petitioner and 6th respondent is the daughter of second petitioner. The said Thulasiammal executed a Will dated 30.03.2016 in favour of the petitioners and petitioners are the only beneficiaries under the Will and this petition has been filed for grant of Letters of Administration with Will annexed.



3. The respondents have given consent for grant of Letters of Administration in favour of the petitioners. The petitioners hereby undertake to duly administer the specified property and credits of the deceased in any way concerning her 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 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.

4. The first petitioner has been examined as P.W.1. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Letters of Administration in favour of the petitioners in respect of the Last Will and Testament executed by the deceased Thulasiammal on 30.03.2016. Exs.P.1 and P2 are the death certificates of brothers of deceased. Exs.P3 and P4 are the legal heirship certificate of brothers of the deceased and they have been filed to prove that the petitioners and the respondents are the legal heirs of the brothers of testatrix. The original Will dated 30.03.2016 executed by the deceased



Thulasiammal has been marked as Ex.P.5. Ex.P.6 has been filed to prove that the testatrix Thulasiammal died on 25.02.2021. Ex.P.6 to Ex.P.12 are the consent affidavits given by the respondents for grant of Letters of Administration in favour of the petitioners. Ex.P.13 is the affidavit of assets showing the net value of the estate as Rs.29,80,000/-. Ex.P14 is the paper publication, but none have objected for the same.

5. One N.Sriram, brother of the testatrix, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that the testatrix was in sound and disposing state of mind while executing the Will and he has also seen the testatrix signing 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 petitioners have proved the execution and attestation of the Will. Hence, the petitioners are entitled for the issuance of Letters of Administration in their favour.



WEB COPY

7. Accordingly, this petition is allowed. 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.

04.10.2023

gpa



WEB COPY



5

N.SATHISH KUMAR, J.

gpa

O.P. No.29 of 2023

04.10.2023